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vol. 1

ARCHIVES OF MARYLAND

PROCEEDINGS AND ACTS

OF THE

GENERAL ASSEMBLY OF MARYLAND

JANUARY 1637/8—SEPTEMBER 1664

PUBLISHED BY AUTHORITY OF THE STATE, UNDER THE DIRECTION
OF THE MARYLAND HISTORICAL SOCIETY

WILLIAM HAND BROWNE

Editor



BALTIMORE

MARYLAND HISTORICAL SOCIETY

1883

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LAWS OF MARYLAND, JANUARY SESSION, 1882.

CHAPTER 138.

AN ACT to provide for the preservation, arrangement, publication and sale of Ancient Documents pertaining to Maryland.

SECTION 1. *Be it enacted by the General Assembly of Maryland*, That the Commissioner of the Land Office be and he is hereby authorized and directed to deliver at Annapolis, to the Maryland Historical Society or to its agent, all the records, archives and ancient documents of the province and State of Maryland of any date prior to the acknowledgment of the independence of the United States by Great Britain, and to keep a list thereof; and that any and all public officers in whose possession any of such records, archives and documents aforesaid may be, are hereby authorized and directed to deliver the same to the said Maryland Historical Society as aforesaid, and to keep a list thereof; and that the said Maryland Historical Society is hereby declared to be the custodian of such records, archives and documents, the State of Maryland remaining the owner thereof; provided that the said Maryland Historical Society shall be understood, by the receiving and giving receipt for records, archives and documents aforesaid, to agree that such records, archives and documents shall be safely kept, properly arranged and catalogued, and that such of them as are of historical importance shall be edited and published under the supervision of said society; and provided that said records shall at all times be accessible to the inspection of any citizen of this State free of all charges and fees.

Deliver ancient documents.

Custodian of records.

SEC. 2. *And be it enacted*, For the purpose of properly arranging, editing and publishing the aforesaid documents as hereinbefore provided, as well as other documents pertaining to the history of Maryland, the sum of two thousand dollars is hereby appropriated and shall be paid to the said Maryland Historical Society out of any funds in the treasury not otherwise appropriated, as follows: One thousand dollars thereof upon demand at any time after the aforesaid records, archives and documents shall have been removed and placed in the

Appropriation, to whom paid.

custody of said society, and the remaining one thousand dollars thereof shall be paid upon demand at any time after the first day of January, eighteen hundred and eighty-three; and provided that all publications made as aforesaid under this act shall belong to the State, but may be sold at cost price by the said Maryland Historical Society, and the proceeds shall be added to the publication fund established by the appropriation herein made; and further provided, that any or all of said papers may be recalled, and shall be returned to the State on its demand therefor.

Papers may
be recalled.

SEC. 3. *And be it enacted*, That it shall be the duty of the said Maryland Historical Society to make report to the next General Assembly of the progress of the work herein provided for, and also of all receipts and disbursements made under this act.

Make report
of progress.

SEC. 4. *And be it enacted*, That this act shall take effect from the date of its passage.

Effective.

Approved March 30, 1882.

ROOMS OF THE MARYLAND HISTORICAL SOCIETY,
BALTIMORE, *November 12, 1883.*

TO THE HONORABLE

THE SENATE AND HOUSE OF DELEGATES OF THE STATE OF MARYLAND:

Gentlemen:—At a meeting of the Maryland Historical Society, held on the 12th of November, 1883, the Committee to which the custody of the Archives of the State had been confided, reported as follows:

To the Maryland Historical Society:

Gentlemen:

The Committee appointed by you at the last Annual Meeting of the Society to take charge of the Archives, then recently deposited by the State, has much pleasure in handing you, and through you to the General Assembly of Maryland, the first volume of its labors, and with the volume the following

REPORT.

Many reports have been made to the State concerning the Archives, both by Committees and individuals appointed by the General Assembly. With but few exceptions these reports were directed more to the manner in which the Archives were cared for than to the Archives themselves. The first full report seems to have been that of the Commission appointed in 1722. They kept a record and made a tolerably full report to the Assembly; it referred particularly to the condition of the Land Records, the Judicial and Testamentary Proceedings. Such of the volumes as needed it were repaired, others lacked indices which were supplied, and many needed copying to save their contents. Four of the volumes copied by their order are now in our possession. In 1776 a Committee of the Council of Safety made a voluminous report. In both these reports only bound books were noted. Coming down to our own times, Mr. David Ridgely, in 1835, being then the Librarian of the State, was directed by the Assembly to examine the various offices and report upon the State Papers in them. The result of his examination was printed in 1835. So far as the bound

books are concerned his report is definite enough; but the meagre description of the large accumulation of loose papers makes it almost useless as a guide to what he recovered. The books and papers gathered by Mr. Ridgely from the various rooms of the State House, from disused offices, cupboards, underneath the staircases, from the lofts, the cellars, and even the stairway leading to the dome, were not afterwards kept in one repository, but were again distributed to offices where they were supposed to belong. The State owes largely to Mr. Ridgely for his recovery of many papers which would have in a few years been irretrievably lost; not only for the recovery are we under obligation, but for the prompt copying of many that were in very bad condition, and are not now to be found.

Subsequently John Henry Alexander, LL. D., the Rev. Ethan Allen, D. D., and Colonel Brantz Mayer made reports, the two former on the Proprietary, Council and Assembly Records (of a few of which they made a very useful calendar), and the latter upon the Miscellaneous correspondence and loose papers. These reports are both useful and interesting.

The Assembly has never been unmindful of the value of the State records, but the papers were scattered through many offices and insecure places, unarranged and, apparently, without responsibility attaching to any one for their safekeeping; the loss of many valuable papers would indicate that free access could be readily obtained.

After several efforts made at various times both by the Society and by individuals to obtain from the State an appropriation for publishing the early records, your Society, through a committee, obtained from the General Assembly of 1882 the temporary custody of all the early records for the purpose of arranging, cataloguing and making them more generally accessible, under proper safeguards, to historical students and investigators. With the deposit came also an annual grant of one thousand dollars for two years to have such documents as were of historical importance copied and printed.

When the Act of 1882 was passed there was not in our building a suitable fire proof repository for the papers to be deposited with us, and the Society was compelled to ask its members and friends to raise a large sum of money to make one of the rooms on the main floor absolutely fire-proof. While this room was being prepared, several visits were made to Annapolis, and the various offices connected with the State government were examined for such papers as came within the Act of 1882. A large collection of Manuscripts, bound and unbound, was found, carefully packed, and sent to the Society's rooms, where they were immediately placed in the fire-proof.

The largest and most valuable collection was found in the Land Office, which has been for several years the official custodian of the Archives. From the State Library a few bound and unbound volumes were received, and from the office of the Clerk of the Court of Appeals four volumes of the laws. Receipts were given in the Society's name

to each of these departments for the papers obtained from them, and a duplicate retained by the Committee.

The Papers as they came to us had no mark of ownership on them, nor do we believe the State has ever placed a stamp on any of its archives: had this been the case, much of the valuable material rescued by Mr. Ridgely would doubtless still have formed part of the records of the State. The Committee, recognizing the fact that the Society is responsible for the safekeeping and return of these papers, have had each item plainly stamped in blue ink with the following device:

Archives
of the State of
Maryland.

so that further loss might be guarded against.

The Society is probably aware that the General Assembly of 1846, by their 27th Resolution, deposited a number of the early records with us. They were briefly described in the Catalogue made by Mr. Lewis Mayer in 1854, and are still in our possession. In addition to these the Society received from the family of the late Rev. Dr. Allen two volumes he had used in the preparation of Alexander's Calendar, and they purchased from a dealer in second-hand books two volumes that had been sent from Annapolis with a large collection of waste paper; a Council Journal of 1692-3 given to the Mercantile Library Association is also among the Archives. All these, with the collection recently received, have been systematically arranged, and a description more or less minute as the volume seemed to demand has been made of each. This has been absolutely necessary both for this report and so as to mark out definitely a line of procedure in the first volume of the Archives. When the volumes had been thoroughly analyzed, the Committee after a careful examination of them decided that as the Proceedings and Acts of the early Assemblies presented an almost unbroken record from the beginning, this should constitute the first volume; for of the Proceedings only those of 1637/8 had been printed, and of the three hundred or more laws passed up to 1664 the full text of only six was given by Bacon in his compilation of 1765.

It was desirable, before any transcribing was done, that the Committee should have the service of a competent person to edit and have continuous supervision of the work; for no member of the Committee could give his entire time to the preparation of the volume. They recognized the fact that but few men have the knowledge, inclination, accuracy and time for such work, and they could suggest but one gentleman who possessed that familiarity with the early history of the State and who combined the requisites necessary for carrying out the Committee's plan. They therefore invited Dr. William Hand Browne to edit the series. Dr. Browne cheerfully accepted the Committee's invitation, and with the aid of copyists began work in February, 1883.

The Committee laid down a rule, in which Dr. Browne concurred, that the transcripts should be exact copies of the original records, and this rule has been rigidly adhered to.

The labor of arranging, transcribing and verifying the materials for this volume, scattered through many books, and occurring in many instances very much out of the chronological order of the volume in which they were found, has been very great.

The copy for the printer was made with the utmost care, and a critical examination of it with the originals word by word, and in a large part letter by letter, throughout the whole work, has corrected whatever errors may have crept in.

During the progress of the work it was discovered that the full text of many of the Laws passed was not in our possession, nor were the laws in the State Archives; Bacon noted many of them by title, but gave no reference to sources; of others which were known to have been passed, he had no note. After a diligent search a contemporary volume containing all the laws passed from 1649 to 1676 was found by the aid of Mr. W. Noel Sainsbury's Calendar of State Papers, in the Public Record Office, London. From this book, a minute description of which Mr. Sainsbury kindly furnishes, we have obtained all the Laws which were lacking for the present volume.

The Committee believe they have now a copy of every law passed in the Province up to 1670 except those of 1634/5 and 1637/8, six Acts of 1647/8, and those of 1659/60, if any were passed in this session.

With the Laws obtained from London the Committee also received copies of all papers in the Public Record Office relating to Maryland up to 1668, part of which they hope to include in the next volume of the Archives.

With a view of placing on permanent record and showing to the General Assembly, students and others what Archives the State possesses, the Committee has had the annexed Calendar prepared.

It is a matter of surprise and congratulation to them to know, that although these Archives have been exposed to many perils, of war, carelessness and theft, so many survive. What has been lost can never be accurately known—those that have been placed in our custody show the Proprietary Record Books to be nearly perfect from 1637 to 1658, the only serious breaks being the period from February, 1644/5, to March 22, 1647/8, and the pages in original Libers F and B which are not transcribed in the modern copies.

The series of the Council Books is the most imperfect. From August 8, 1636, to December, 1671, they lack but little except the omissions noted above, but from January, 1672, to April, 1692, there is no record; from April 6, 1692, to August 16, 1708, they are perfect save the six months between October 4, 1703, and April 12, 1704; from August 17, 1708, to October 26, 1714; there is no record; from October 27, 1714, to December 27, 1715, perfect; from December 28, 1715, to August 17, 1721, there is no record; from August 18, 1721, to September 24, 1770, perfect.

The Assembly Journals to the September session, 1664, are included in this present volume. Subsequent to this date the Upper House is represented by Journals of 1666, 1669; March and October, 1671, 1674, 1675, 1676; August and November, 1681; April and October, 1682, 1683, 1684 and 1688.

The Lower House during this period is represented by Journals of 1666, 1675, 1676 and 1678; from December, 1688, to May session, 1692, the Journals of both Houses are missing; whether there were Assemblies in these years we are unable to say. The Journals of both Houses from May, 1692, to April 19, 1774, the last day of the session of the Provincial Assembly, are complete, with the following few exceptions: In the Upper House, September, 1693, April, 1716, and November, 1770; in the Lower House, September, 1694, April, 1700, June, 1702, October, 1703, September, 1704, October, 1712, October and November, 1773.

Of the Laws for the Provincial period, all those passed up to 1664, with the exception of those before noted, are in the present volume; subsequent to this the laws passed at each session are in the Archives or can be obtained up to 1678; but between this date and May, 1692, our searches have revealed nothing but the titles of Laws as recorded in the Journals; from 1692 to 1774 it is probable that we can find the full text of all the Laws. The period between April, 1774, and the assembling of the State Legislature in February, 1777, is covered by the Convention of 1774-1775-1776, the manuscript of part of which, in a very damaged condition, is among the Archives, and the Council of Safety from August 29, 1775, to March 20, 1777.

The Senate Journals are represented by the March session, 1778, October, 1780, May, 1781, November, 1781, April, 1782, November, 1782, April, 1783, November, 1783, and the House of Delegates by February, June and October, 1777, October, 1778, November, 1779, March, 1780.

The Proceedings of the Governor and Council from March 20, 1777, to 1788 are perfect, both in the original rough drafts and in fair copies.

From the foregoing brief summary it will be seen that the documentary history of the Province and State can be gathered measurably complete from the existing Archives.

The Committee regrets its inability at this time to furnish a full catalogue of the Miscellaneous papers, consisting of Letters, Instructions, Commissions, Lists of inhabitants of the various Hundreds, etc., placed in their charge; progress has been made in a Calendar of them, and it is hoped the entire collection will have been noted by the appearance of the second volume of the Archives, when they will give an account of them. There are between 8,000 and 10,000 separate papers in the Miscellaneous collection, most of which relate to the Revolution.

The Committee desires to express their appreciation of the ability and zeal with which the Editor, Dr. William Hand Browne, has conducted the work of preparing and publishing this first volume of the Archives.

The Committee also desires to place on record an acknowledgment of the courtesies extended them by Dr. William R. Hayward, Commissioner of the Land Office, and Mr. George H. Shafer, clerk in the same office, Dr. E. P. Duval, State Librarian, and Spencer C. Jones, Esq., Clerk of the Court of Appeals, in facilitating the search for and collection of the various State Archives.

The Committee feel that to the Manager of the printing establishment of I. Friedenwald, and to the compositors, proof-readers and others engaged on this work, special recognition is due of services of a peculiarly difficult and laborious kind, performed with zeal, patience, fidelity and intelligence that cannot be estimated at a mere money value.

The Committee has given its earnest attention to the work, and it hopes that the publication now begun under such favorable circumstances, may be continued until the entire series of Provincial and Revolutionary Records of our State is placed in print.

Respectfully submitted,

JOHN W. M. LEE,
BRADLEY T. JOHNSON,
HENRY STOCKBRIDGE,

BALTIMORE, *November 12, 1883.*

Committee.

Which, upon motion, was accepted and approved, and ordered to be printed.

The Society, in accepting the volume, passed the following resolution:

Resolved, That the officers of this Society, in presenting to the Legislature the first volume of the Archives of Maryland, are requested to give an earnest expression to the opinion of this Society, that the publication now made at the expense of the State is satisfactory in the highest degree to those who are interested in the history of Maryland; and are also requested to urge upon the representatives of the people to provide liberally for the continuance of the publication, so that the origin and growth of our civil institutions may be thoroughly understood by the citizens of this State, and made likewise accessible to those at a distance who may wish to study the development of a free Commonwealth.

Trusting that the work may meet the approval of your honorable bodies,

We have the honor to be,

Very respectfully,

JOHN H. B. LATROBE,
President.

MENDES COHEN,
Corresponding Secretary.

CALENDAR OF STATE ARCHIVES.



PROPRIETARY RECORD BOOKS.

LIBER Z.

December 30, 1637, to July 23, 1644.
Original.

COPIES.

Land Office Records, L. O. R., Liber No. 2, pp. 1-190.
Council Proceedings, Liber C. B., 1636-1657.
Assembly Proceedings, Liber M. C., 1637-1658.

THE ORIGINAL.

This is probably the second book of records of the Province. It is a folio, and was rebound in rough sheep after the year 1725.

The first few leaves have been stained by water, and the frequent handling of the book has defaced the entries on the earlier pages. The Secretary who kept the record left generous margins, so that where the leaves are damaged or deficient it is only in a line or two on any page. The pages after 30 are in good and perfect condition.

The volume is a daily record of transactions, but the chronology, occasionally, is not perfect. It consists of Warrants, demands for Debts and for Land, Proclamations, Commissions, Declarations, Letters, Council, Court and Assembly Proceedings, Wills, Inventories, Accounts of Administrators and of the Proprietor's agents, Assessments, etc., in fact, all the business of the Province seems to have been recorded in this book up to October, 1642.

The volume is divided into four heads or parts. For the first 87 pages, to September 21, 1638, there is no contemporary pagination; in this part occur the Demands, Warrants, Proceedings of the first Assembly of which we have a record, etc. The second part begins with 3 pages of index to the succeeding 45 pages, which are numbered in a contemporary hand, beginning with p. 1, and contain a Record of Cases Testametary, commencing October 23, 1638, and ending July 20, 1644. (There is but one entry of the year last named and but one for 1642/3.) The 6th page is blank; pages 7 to 26 are missing; the index, however, does not indicate any entries for these pages. Page 46 is blank, and pages 47 to 58 are missing; p. 59 blank. The third part begins with p. 60, which is an index to pages 61 to 90 (from 87 to 90 the leaves instead of the pages are numbered). The inventories which

appear on these pages begin December 12, 1638, and end October 28, 1642; p. 91 is blank; pages 92 to 118 are missing, neither the index nor the parts of leaves remaining indicating any entries for these pages; p. 119 blank. The fourth part begins with p. 120, being an index to Accompts of Estates, which follow on pages 121 to 130, beginning April 29, 1639, and ending May 7, 1640. The last remaining leaf (pp. 129-130?) is so damaged at the top that the names and dates cannot be given. According to the index on p. 120 the volume lacks 8 pp. at the end, but whether they precede or follow the damaged leaf above mentioned cannot be determined. Comparing this volume with the copy made in 1725, the record is as complete now as it was then, with the exception of the separation of the first leaf (pp. 1-2) from the book, which some one has framed and hung on the wall of the library of the Society. In binding the volume after 1725 the last leaf of Liber A, 1647-1650, was by some mistake added to this volume. The volume is written in the court or record hand of the 17th century, and the writing, with the exception of the Inventory of May 24, 1639, p. 67, is identical throughout.

Many of the entries are signed by Leonard Calvert, the first Governor; John Lewger, the Secretary of the Province; Thomas Cornwaleys, of the Council; George Evelin, of the Isle of Kent; Henry Fleete, and others.

It is the earliest original record book in our possession.

The volume was transferred to the Society's custody by a Resolution of the General Assembly in 1846. It has been briefly described by Drs. Alexander and Allen, and was used in their *Calendar of Maryland State Papers*, volume I.

COPY IN FULL.

Land Office Records, L. O. R., Liber No. 2, pp. 1-190, made in 1725 is a full and careful copy (with the addition of one entry, Sep. 22, 1638) of every entry in the book, except the entries on p. 9, p. 32, three entries on p. 79, and pp. 1-3 of Testamentary papers, and the Wills. The spelling is modernized to that of the year 1725.

The correctness of the copy is attested by the copyist and reader on oath before the Judge of the Provincial Court, and witnessed by three of the Commission on the Records.

COPIES IN PART.

The Commissions, Proclamations and a few other entries appear in a volume made between 1733 and 1750, and bearing the title of *Council Proceedings 1636 to 1657*. This copy was taken from the original, as is shown by marks of transcription on the margin of the latter. It is not a faithful copy, a line here and there, and even a paragraph, being omitted.

The Warrant to Evelin in 1637, the Journal of Proceedings and Acts of the Assembly 1637/8, the Assessments, and the accounts of John

Lewger, appear in a volume made at the same time as that last described, and bearing the title *Assembly Proceedings 1637 to 1658*. The entries in the two preceding volumes are modernized in spelling, and many words are incorrectly transcribed.

LIBER F.

August 8, 1636, to August 28, 1642.

Original missing.

COPIES.

Land Office Records, L. O. R., Liber No. 1, pp. 1-161.

Council Proceedings, Liber C. B., 1636-1657.

The Land Office copy forms pp. 1 to 161 of Liber No. 1 of their Records. It was made in 1724, and its correctness is attested as in the case of Liber Z.

It is, with a few exceptions, a daily record of the land business of the Province. The entries up to p. 30 are somewhat confused as to dates, but after this the volume proceeds with regularity.

The original volume, according to this copy, had 176 pages; but of these, pp. 6, 12, 13, 22, 23, 24, 25, 26, 27, 44, 54, 67, 69, 76, 77, 80, 93, 94, 95, 96, 97, 98, 99, 100, 116, do not appear in this copy; and the single short entries from some of the pages indicate that this is not a full copy of the original.

The entries on pp. 1-8, viz., Petition of Claiborne 1636/7, Order of the King, Feb. 26, 1637/8, and proceedings of the Privy Council, April 4, 1638, are in *Council Proceedings* 1636-1657, p. 4-10.

The Proclamation of Cecilus, Lord Baltimore, appointing Leonard Calvert Governor, April 15, 1637 (pp. 8-17), is in *Council Proceedings* 1636-1657, pp. 11-19.

The Letter of Cecilus, Conditions of Plantation, Aug. 8, 1636, on pp. 28-30, is in *Council Proceedings* 1636-1657, pp. 1-3. There are no Acts nor Proceedings of the Assembly in this volume.

COLLATION.

Copy.	Orig.	
pp. 1-4	1-2	Claiborne's petition, 1636/7.
4	3	The King's decision of Feb. 26, 1637/8.
5-8	3-5	Proceedings of the Privy Council, April 4, 1638.
8-17	7-11	Proclamation of Cecilus, Lord Baltimore, appointing Leonard Calvert, Governor, April 15, 1637.
17-27	14-21	Names of persons who were brought into the Province [earliest date 1633/4], Grants of Land, etc.
	28-43	
	45-52	
28-30	53	Proclamation of Cecilus, Lord Baltimore, 8th Aug., 1636. Conditions of Plantation.

Copy.	Orig.	
pp. 30-132	55-66 68 70-75 79 81-92 101-115 117-152	} Land Grants.
132-3	153	
133-161	154-176	
		Commission and License to Wm. Brainthwaite, Oct. 22, 1638.
		Oaths, Proclamation, Acts of State, Commissions, Letter to Governor of Virginia, etc.
		Date of the last entry, 28th Aug., 1642.

LIBER P. R.

August 2, 1642, to February 12, 1644/5.

Original.

COPIES.

Council Proceedings, Liber C. B., 1636-1657.*Assembly Proceedings*, Liber M. C., 1637-1658.

THE ORIGINAL.

This is a large thin folio, and has been recently rebound in half morocco.

With the exception of the lower edges of a few of the leaves up to p. 50, which are damaged by water-stain and frequent handling, the volume is in good condition.

It is a daily record, unbroken from the first to the last date, and consists of entries like those in Liber Z; there are, however, more records of Land Grants, Court Proceedings, mortgages and deeds, than in Liber Z.

A contemporary pagination and index give the volume 200 pages. Page 201 is blank, after which follows an index of 8 pp.; A-G and W, the intermediate letters being missing. The volume lacks also pp. 1-4.

It is written throughout in one hand, which much resembles that of Z, though sometimes more minute.

The volume, until its recent transfer to the Society, has been in the State Library; and has escaped the notice of Drs. Alexander and Allen, neither of whom mentions it in his published report; nor does it seem to have been used in the *Calendar*, except in the few entries transcribed into *Council Proceedings* 1636-57 and *Assembly Proceedings*

1637-1657. Many of the entries in the volume bear the autographs of Leonard Calvert and other leading colonists.

During a recent examination of the Lower House Journal of Oct. 18, 1723, it was discovered that this volume was quoted as Liber E.

THE COPIES.

The Commissions, Proclamations, and Conditions of Plantation appear modernized in *Council Proceedings* 1636-1657, beginning with the Proclamation of September 13, 1642 (p. 67), and extending to Jan. 9, 1644/5 (p. 141).

The Acts of September 13, 1644 (p. 18), and of February 11, 1644/5 (p. 200), appear as modernized copies in *Assembly Proceedings* 1637-1658; the first at pp. 275-302, the second at pp. 305-306. The Account of John Lewger [Dec. 2] (p. 59) appears in part on p. 303. The Proclamations of December 16, 1642, Feb'y 1, 1643, Mch. 28, 1643, appear on p. 304.

LIBER A.

May 23, 1647 to April 1, 1651.

Original.

COPIES.

Land Office Records, L. O. R., Liber No. 2, pp. 191-626.

do. L. O. R., Liber No. 3, pp. 1-132.

Council Proceedings, Liber C. B., 1636-1657.

Assembly Proceedings, Liber M. C., 1637-1658.

ORIGINAL.

This is a small folio. It has been recently half bound in red morocco.

The volume is throughout in good condition except the last two leaves, the edges of which are torn off.

It contains Demands, Grants of Land, Commissions, Court Records, Affidavits, Wills, Inventories, Forms of Oaths, Proclamations, Proceedings and Acts of Assembly, etc., etc. It is a continuous daily record, with but few dates out of place. The first 58 pp. are lost; but with the leaf bound at the end of Liber Z, the volume is perfect from p. 59 to the words "*ffinis huius Libri.*" It has a contemporary paging which is legible up to p. 365; from this to the end, say p. 397 (including the leaf noted above) the pagination is in many cases illegible. Pages 57-8 are copied in Land Office Liber No. 2. Page 398 contains the letters A and B of a partial index.

THE COPY IN FULL.

The volume has been copied into parts of two volumes forming *Liber No. 2* and *Liber No. 3* of the Land Office Records; pp. 57 to 340 forming pp. 191 to 626 of *Liber No. 2*; and pp. 340 to 397 forming pp. 1 to 132 of *Liber No. 3*.

All the entries, except the Testamentary Papers, have been transcribed into these volumes.

This copy has one leaf, pp. 57-8, which is missing from the original.

PARTIAL COPIES.

The Proclamations, Letters and Commissions, appear in *Council Proceedings* 1636-1657.

The Proceedings and Acts of Assembly of 1646/7, 1647/8, 1649 and 1650, appear in *Assembly Proceedings* 1637-1658.

LIBER B.

January 8, 1648/9 to March 24, 1657/8.

Original missing.

COPIES.

Land Office Records, L. O. R., Liber No. 1.

do. L. O. R., Liber No. 3.

Assembly Proceedings, Liber C. B., 1637-1658.

Council Proceedings, Liber M. C., 1636-1657.

This Liber forms pages 162 to 640 of No. 1, *Land Office Records*, and pages 133 to 448 of No. 3 of the same. The first embraces pages 4 to 243 of the original, and the second, pages 243 to 387 [Nov. 3, 1657], where the regular pagination of the original ceases. After this are pp. 188, 189; probably an error in numbering. The last page (189) is on p. 342 of the copy.

The following pages of the original do not appear in the copy: pp. 1-3, 14, 16, 20, 24, 38-40. The original seems to have been divided into two parts, for the first pagination ceases at p. 48 (p. 224 of copy), when a new one begins with p. 29, and proceeds regularly to p. 387. It may be that the original copyist made the error of 29 for 49, and not discovering his mistake for a time, concluded to carry the second pagination to the end rather than deface his book by corrections. The entries on both pp. 48 and 29 are of similar character and of the same date.

Of the second part the following do not appear: Pages 134, 170, 237, 245, 248, 256-7, 283, 291, 307, 317, 357, 384, 386. Many of the single short entries from the original indicate that this is not a full copy.

The Liber consists of Bonds, names of persons who came out from England, Receipts, Proclamations, Commissions, Depositions, Names of those who took the oath of Fealty in 1646-7-8, Grants, Demands, Bills

of Lading, Contracts, Acts of Assembly of 1650, 1654 and 1657, and Court Proceedings, the last making about two-thirds of the book. The last entry is the Assembly Proceedings of September, 1657. The latest date is March 24, 1657/8—writs for elections.

COUNCIL PROCEEDINGS.

LIBER C. B.

August 8, 1636, to November 6, 1657.

COPY.

This volume has been transcribed from various old Libers, some of which cannot now be found. An analysis of the volume is given below. The handwriting is that of the last century, probably after 1750.

It consists of Proclamations, Commissions, etc. It is made up from the following sources:

- Pp. 1-3 are from Liber F, pp. 28-30.
4-7 are from Liber F, pp. 1-5.
8-10 are from Liber F, pp. 5-8, and from Liber A, pp. 194-5.
11-19 are from Liber F, pp. 8-17.
20 is from Liber Z, pp. 1-2, and L. O. R., No. 2, p. 1.
20-32 are from Liber Z, between pp. 5 and 66, and L. O. R. No. 2, pp. 3-65.
32 is from Liber Z, p. 67, and L. O. R. No. 2, p. 65.
32-35 are from Liber F, pp. 132-135.
35-6-7, found in no other copy.
37-40 are from Liber F, pp. 135-137.
40-41, found in no other copy.
42-48 are from Liber F, pp. 139-144.
48-53, found in no other copy.
53-54 are from Liber F, pp. 146-148.
55, found in no other copy.
56-7 are from Liber F, pp. 148-149.
57-8-9 (in part), not found in any other copy.
59-67 are from Liber F, pp. 153-160.
67-126 are from Liber P. R, pp. 28-174.
126-138 are from Liber P. R, pp. 175-179, and Liber B, L. O. R. No. 1, pp. 195-204.
137 is from Liber A, p. 74, and L. O. R. No. 2, pp. 215-216.
139-141 are from Liber P. R, pp. 182-187.
142 is from Liber B, L. O. R. No. 1, p. 204.
143 (in part), not found elsewhere.
143-147 are from Liber B, L. O. R. No. 1, pp. 205-212.

Pp. 148 (in part), not found elsewhere.

148-151 are from Liber A, L. O. R. No. 2, pp. 191-193.

151-152 are from Liber A, p. 59, and L. O. R. No. 2, pp. 194-195

152 is from Liber A, p. 61.

152-166 are from Liber A, pp. 62-115, and L. O. R. No. 2, pp.
199-274.

166 (in part), not found elsewhere.

166-168 are from Liber A, pp. 147-157, and L. O. R. No. 2, pp.
317-328.

168-212, not found elsewhere.

212-220 are from Liber A, pp. 192-246, and L. O. R. No. 2,
366-450.

220-242, not found elsewhere.

242-252 are from Liber A, pp. 276-339, and L. O. R. No. 2, pp.
508-613.

252-253 are from Liber A, p. 374.

253-255, not found elsewhere.

256-267 are from Liber B, L. O. R. No. 1, pp. 304-353.

267-270, not found elsewhere.

270-282 are from Liber B, L. O. R. No. 1, pp. 354-422.

283 is from Liber B, No. 1, p. 239.

283-286 are from Liber B, L. O. R. No. 1, pp. 168-170.

286-288 are from Liber B, L. O. R. No. 1, pp. 193-194.

288-290 are from Liber B, L. O. R. No. 1, pp. 289-290.

291-309 are from Liber B, L. O. R. No. 1, pp. 496-621.

310-318 are from Liber B, L. O. R. No. 3, pp. 141-354.

319-321 are from Liber A, pp. 324-325, and L. O. R. No. 2, pp.
596-598.

322-323, not found elsewhere.

LIBER H. H.

1656-1669.

ORIGINAL.

A small folio in the original sheep binding, covered with canvas. In good condition. Pp. 1-2 and all after J of the index missing; pp. 17-18 very defective. Has 312 pp. of proceedings paged in a contemporary hand, and 3 leaves (6 pp.) unpagd.

The volume opens with Instructions from Cecilius, Lord Baltimore, of Oct. 23 and Nov. 12, 1656; Commissions to Josias Fendall, July 10, 1656, and to Philip Calvert, Nov. 11, 1656. The Council Records begin on p. 9, June 18, 1657, and continue to April 16, 1669, p. 312. Oaths of Governor, Chancellor, Councillors and Secretary occupy the three unpagd leaves following p. 312, and these are followed by A to J of index.

The Council Records contain Commissions, Proclamations, Court Proceedings, Treaties with the Indians, Letters to Governor Berkeley, of Virginia, and Letters to various parties in reference to the Settlements on Bohemia river.

LIBER A. M.

1669-1674.

Original missing.

COPY.

Made in latter part of the last century. A small folio, bound in sheep. It has 120 pp. and is perfect, but wants rebinding.

Pages 1-13 contain Commissions, Ordinances and Instructions. The Council Proceedings begin Oct. 22, 1669, p. 13, and continue to Dec. 6, 1671. Among other entries it has "List of Lands Surveyed and Entered in the Office of Virginia, and Patented, that now fall in Maryland," also Oaths, Letters, Proclamations, Proceedings of Privy Council, Jan. 20, 1668/9, Articles of Agreement between Commissioners of Maryland and Virginia relative to Boundary.

The last entry in the book is dated June 26, 1671, though the latest date in the volume is Aug. 23, 1674.

LIBER K.

1692-1694.

Original missing.

COPY.

Apparently made early in the last century. Perfect. Small folio, bound in sheep. It has 361 pp., begins April 6th, 1692, and ends July 14, 1694. The Oaths on pp. 357-361 should precede the proceedings of Sept. 25, 1693.

LIBER C. B.

1693-1694.

ORIGINAL.

Copy: Liber K. Pp. 277-361.

A small folio of 120 pages, recently bound in morocco. The first 6 pages, and an index of 10 pages at the end, are unpagged. In perfect order. The record begins with the Oaths. The regular proceedings begin Sep. 25, 1693, and end July 14, 1694. Among other records the deposition of the First Printer in the colony, Wm. Nuthead, occurs on pp. 33-34, Oct. 14, 1693.

LIBER H. D. No. 2.

1694-1697/8.

ORIGINAL.

A small folio of 938 pages, in good condition. Probably a fair copy of the original minutes, as the volume is made up in various hands. The Council Proceedings occupy pp. 1-637, and begin July 26, 1694, and end Feb. 25, 1697/8. Then follow a Commission to John Dansey as Collector of Customs, Nov. 15, 1709, and a Certificate of the boundary between Kent and Cecil counties, Aug. 12, 1706. The reverse of the book is a transcript of letters received and other documents (preceded by a plat of Battle Creek town, and an index), beginning Jan. 2, 1695/6, and ending March 10, 1707/8. Many of the Letters are in Latin.

LIBER [unnamed].

1700-1701.

ORIGINALS.

March 18, 1698/9-Dec. 13, 1700. Folio, unbound, part of a contemporary volume. Pp. 7-71.

November 29, 1701. Folio, unbound, part of a contemporary volume, unpagd. 10 pp.

LIBER X.

1697/8-1703.

COPY.

Made from the above and others, now lost, in the latter part of last century, in good condition and perfect. A small folio of 345 pp., bound in sheep and covered with canvas. It begins March 9, 1697/8, and ends October 4, 1703.

LIBER [unnamed].

1704.

ORIGINAL.

April 25 and May 3, 1704. Folio. 4 pp. (Not in the succeeding volume.)

LIBER C. B.

1704-1708.

Original missing.

Original record from the minutes. It has 140 pages, of which pp. 135-140 are damaged. Record begins April 12, 1704, and ends August 16, 1708.

LIBER [unnamed].

1714-1715.

ORIGINAL.

October 27, 1714-Dec. 27, 1715. Small folio, unbound. Good. Perfect. Paged 1-68.

LIBER X

1721-1728.

Original missing.

COPY.

Folio, half bound in sheep. It has 211 pp.

Record begins August 18, 1721, and ends July 5, 1728. On pp. 58-63 are proceedings at the Privy Council Board, Nov. 13, 1685, on the boundary question between Maryland and Pennsylvania.

LIBER M.

1728-1738.

Original record from the minutes. Folio, half bound in sheep. It contains 169 pages, of which the first 99 are paged. Begins October 26, 1728, and ends July 18, 1738.

LIBER C. B.

1738-1753.

Original record from the minutes. Small folio, bound in vellum. It contains 548 pages, paged 1-537, 10 blank pages and one page filled, but unpagged. It begins October 17, 1738, and ends July 26, 1753.

LIBER J. R. and U. S.

1753-1767.

Original record from the minutes. Folio, bound in vellum. It contains 558 pages, paged as follows: 1-229; 229 (duplicate)-232; 232 (duplicate)-249; 249 (duplicate)-326; 237-420; 420 (duplicate)-464. It begins with proclamations of August 10, 1753, and the Proceedings begin with August 15, and end June 13, 1767.

LIBER C. B.

1767-1770.

Original record from the minutes. Folio, half bound in sheep. It contains 124 pages, paged 1-43; 44 blank; 45-124. It begins July 13, 1767, and ends September 24, 1770.

LIBER [unnamed].

1777-1779.

ORIGINALS.

Rough minutes. Small folios, unbound and unpagged, all in good order and perfect condition.

March 20, 1777-Aug. 20, 1777. "A." "This is the first volume of Minutes of Council after the formation of the new Government of Maryland, and precedes No. 1, *Council Proceedings*." 69 pp.

Aug. 25, 1777-Nov. 8, 1777. "No. 1." 37 pp.

Nov. 10, 1777-June 13, 1778. "C No. 2." 141 pp.

June 15, 1778-Feb. 5, 1779. "D No. 3." 98 pp.

LIBER C. B.

1777-1779.

COPY.

Original record from the minutes. Signed by T. Johnson, Jr., Cl. Co. "Examined with the minutes." Small folio, bound in rough sheep, not paged. It begins March 20, 1777, and ends March 31, 1779.

LIBER [unnamed].

1779-1780.

ORIGINALS.

Rough minutes. Small folios, unbound and unpagged. All in good order and perfect condition.

Feb. 6, 1779-Sep. 4, 1779. "E No. 4." 96 pp.

Sep. 6, 1779-March 16, 1780. "No. 5." 110 pp.

March 17, 1780-Nov. 13, 1780. "No. 6." 157 pp.

LIBER C. B.

1779-1780.

COPY.

Folio, bound in rough sheep. Not paged. Original record from the minutes. Begins April 1, 1779, and ends November 23, 1780.

LIBER [unnamed].

1780-1785.

ORIGINALS.

Rough minutes. Folios, unbound and unpagcd. All in good order and perfect.

Nov. 13, 1780-May 17, 1781. "No. 7." 124 pp.

May 18, 1781-Nov. 13, 1781. "No. 8." 157 pp.

Nov. 19, 1781-Nov. 14, 1782. "No. 9." 246 pp.

Nov. 15, 1782-Nov. 8, 1783. "No. 10." 130 pp.

Nov. 22, 1783-Nov. 5, 1785. "No. 11." 120 pp.

LIBER C. B.

1780-1784.

COPY.

Original record from the minutes. Large folio, bound in vellum, unpagcd. Begins Nov. 15, 1780, and ends Nov. 8, 1784.

LIBER [unnamed].

1785-1789.

ORIGINALS.

Rough minutes. Folios, unbound and unpagcd. All in good order and perfect.

Nov. 17, 1785-Nov. 13, 1786. 110 pp.

Nov. 30, 1786-Nov. 12, 1787. 118 pp.

Nov. 22, 1787-Nov. 10, 1788. 97 pp.

Nov. 19, 1788-Nov. 9, 1789. 124 pp.

LIBER C. B.

1784-1788.

COPY.

Original record from the minutes. Folio, half bound in sheep, not pagcd. Begins Nov. 27, 1784, and ends Nov. 10, 1788.

LIBER C. B.

1788-1791.

COPY.

Original record from the minutes. Folio, half bound in sheep, unpagcd. Begins Nov. 19, 1788, and ends Nov. 12, 1791.

ASSEMBLY PROCEEDINGS.

LIBER M. C.

January 25, 1637/8, to April 27, 1658.

This volume, like *Council Proceedings*, 1636–1657, has been made up from various sources. It consists entirely of Legislative Proceedings, as follows:

- The Warrant to Evelin, 30th January [December?], 1637/8.
- Proceedings of the Assembly, Jan. 25th, 1637/8, to March 24, 1638.
- The 42 Acts by title only.
- Proceedings of Assembly, Jan. 18, 1638/9, to Mch. 19, 1638/9.
- The 38 Acts in full.
- Proceedings of Assembly, Oct. 12, 1640, to Octo. 30, 1640.
- The 11 Acts in full.
- Proclamations proroguing Assembly from 7th Dec. 1640, to Feb. 2, 1640/1, to July 16, 1641, to Aug. 2, 1641.
- Proceedings of Assembly, Aug. 2, 1641, to Aug. 12, 1641.
- The 3 Acts in full.
- Proclamation calling Assembly for Oct. 29, 1641.
- Prorogued to Nov. 14, 1641, to Mch. 21st, 1641/2.
- Proceedings of Assembly Mch. 21st, 1641/2, to Mch. 24, 1641/2.
- The 3 Acts in full.
- Proclamation calling an Assembly for June 1, 1642.
- Postponed to July 18, 1642.
- Proceedings of Assembly, July 18, 1642, to Aug. 1, 1642.
- The 32 Acts in full.
- Proclamation calling an Assembly for Sep. 5, 1642.
- Proceedings of Assembly, Sep. 5, 1642, to Sep. 13, 1642.
- The 25 Acts in full.
- The Account of John Lewger [of Dec. 2, 1642] for Disbursements on account of late Expedition.
- Proclamation of Dec. 16, 1642, calling an Assembly for Feby. 3, 1642/3.
- Another of February 1st, another of Mch. 28, for April 3, 1643.
- Another of Nov. 16, 1644, for Dec. 3, 1644.
- Act of Assembly February 11, 1644/5.
- Upper House Proceedings, Dec. 29th, 1646. Dec. 30, adjourned to Dec. 31, adjourned to March 1, 1646/7.
- Proclamation calling an Assembly for Jan. 7, 1647/8, adjourned to Feb. 7. Proclamation calling it for January 17. Proceedings of Assembly, January 17, 1647/8, to March 4, 1647/8, and Proceedings of Thursday, March 2 [different from the Proceedings under the same date in the regular Proceedings]. Proceedings of Freeman of St. Mary's in reference to the Levy, June 14, 1648.

Proceedings of Assembly, April 21, 1649, being the last day of the Assembly.

A Letter sent to his Lordship by the Assembly, 21 April, 1649, in reference to Ingle, Mrs. Brent, the Laws, etc.

His Lordship's Answer [only a small part of which is here found; the full document appears in Upper House Journal, 1659/60-1669].

Acts and Orders of Assembly, April 20, 1649.

The 12 Acts in full.

Acts and Orders of Assembly, April 20, 1650.

The 19 Acts in full.

Proclamation calling for an Election of Burgesses for April 2, 1650.

Proceedings of an Assembly, April 6, 1650, to April 29, 1650.

His Lordship's Answer of 1649 [above] was read on April 6.

An Act for Settling this present Assembly is in the Proceedings.

Acts and Orders of Assembly, March 11, 1650/1.

The 3 Acts in full.

Proclamation of Cecilius, Lord Baltimore, of Aug. 26, 1651. Disturbances in the Province. Scarborough's attempt to seat Palmer's Island. Granting Lands, etc.

Acts and Orders of the Assembly, Oct. 20th, 1654.

The 43 Acts in full, and account of Tobacco Levied.

Acts and Orders of Assembly, Sept. 24, 1657.

The 11 Acts in full.

Debts due from the Public to be paid at the several places named.

Charges to be satisfied by way of Levy out of the County of Patuxent.

Writ, March 24, 1657/8, to Sheriffs for choice of Burgesses for an Assembly to be held April 27, 1658.

Acts of Assembly, April 27, 1658. The 5 Acts. [These and 6 other Acts of this Assembly appear in Upper House Journal, 1659/60-1669.]

The volume has been made up from the following sources:

pp. 1-34, from Liber Z, pp. 4-52, and L. O. R., Liber No. 2, pp. 4-66.

pp. 35-52, found in no other copy.

pp. 53-135, Liber C. & W. H., pp. 1-66.

pp. 136-141, found in no other copy.

pp. 142-143, Liber C. & W. H., p. 67.

pp. 143-9, found in no other copy.

pp. 149-150, Liber W. H. & L., pp. 1 and 4, and Liber C. & W. H., pp. 67-8.

pp. 151-155, Liber C. & W. H., pp. 68-71.

pp. 155-161, found in no other copy.

pp. 161-165, Liber C. & W. H., pp. 72-75.

pp. 166-179, found in no other copy.

pp. 180-184, Liber C. & W. H., pp. 75-79.

pp. 185-215, found in no other copy.

pp. 216-247, Liber C. & W. H., pp. 79-105.

pp. 248-272, found in no other copy.

pp. 272-303, Liber P. R., pp. 18-28, and 59, and in part in Liber C. B., 1636-1657, pp. 88-92.

- p. 304, Liber P. R., pp. 66, 74, and 87.
 p. 305, found in no other copy.
 pp. 305-6, Liber P. R., p. 200.
 pp. 307-340, Liber A, pp. 94, 113, 125, 129-138, 143, 146-7, 191, 193, 268.
 pp. 341-350, found in no other copy.
 pp. 351-353, U. H. J., 1659/60-9, pp. 5-17.
 pp. 354-373, Liber A, pp. 268-274.
 pp. 374-420, Liber A, pp. 355-367.
 pp. 421-424, Liber B, L. O. R. No. 1, pp. 236-9.
 pp. 424-438, found in no other copy.
 pp. 439-475, Liber B, L. O. R. No. 3, pp. 420-448.
 p. 475, Liber B, L. O. R. No. 3, p. 407.
 pp. 476-481, U. H. J., 1659/60-69, pp. 54-66.
 pp. 476-480, Liber H. H., pp. 17-18.

UPPER HOUSE JOURNALS.

U. H. JOURNAL.

1659/60-1669.

ORIGINAL.

A volume lettered "Maryland, Assembly Journal, 1649-69."

A small folio, recently half bound in morocco, in good condition except where noted.

Paged in a contemporary hand to 157; after which are 131 pages, recently paged. Pages 1-4, 133-134, 155-6, 177-178, 223-264 are missing, besides an unknown number at the end; and there is apparently something missing between pages 14-15. It seems to have been perfect from p. 69 to the end, when the copy described on p. xxx was made, as all the pages lacking in this are found in the copy, except the preliminary matter up to p. 66.

The volume begins with the Declaration of Cecilius, Lord Baltimore, of Aug. 26, 1649, in reference to the Laws, etc., pp. 5-17.

Proclamation of Cecilius, and Oath, Aug. 6, 1650, pp. 18-27.

Letter from Vaughan and others, April 22, 1650, p. 28.

Proclamation of Cecilius, Aug. 6, 1650, pp. 28-30.

Acts of 1649-50, pp. 31-54.

Acts of April 27, 1658, pp. 54-66. Pages 67-68 blank. The Journals of the Assemblies follow, beginning and ending as follows:

Writs dated January 12, 1659/60, calling an Assembly. Pp. 69-70.

Assembly Proceedings, February 28, 1659/60-March 14, 1659/60. Pp. 70-77. Page 78 blank.

Writs dated February 28, 1660/1, calling an Assembly. Pp. 79-80.

- Assembly Proceedings, April 17, 1661–May 2, 1661. Pp. 81–94.
The Acts in full and a Declaration of Cecilius of September 24, 1660.
Pp. 95–116.
Writs dated February 18, 1661/2, calling an Assembly. Pp. 117–118.
Assembly Proceedings, April 1, 1662–April 12, 1662. Pp. 119–136.
The Acts in full. Pp. 136–154.
Writs dated July 20, 1663, calling an Assembly. Pp. 157–158.
Assembly Proceedings, September 15–October 3, 1663. Pp. 159–
190.
Writ to Col. Wm. Evans, September 5, 1664. P. 190.
Assembly Proceedings, September 6, 1664–September 21, 1664.
Pp. 191–222.
Assembly Proceedings, April 10, 1666–May 4, 1664. Imperfect at
beginning. Pp. 265–283.
Assembly Proceedings, April 13, 1669–April 16, 1669. All after the
latter date missing. Pp. 284–288.

U. H. JOURNAL.

Originals, 1674–1698.

All unbound.

- May 19, 1674–June 6, 1674. Small folio. Pp. 40. Badly injured
by damp; only a few words of text missing.
May 16, 1676–June 15, 1676. Small folio. Paged 3–55. (Pp. 1–2
missing.) Upper right hand corner damaged.
October 2, 1683–November 6, 1683. Small folio. Unpaged. 73 pp.
Badly injured by damp and many leaves imperfect.
April 1, 1684–April 26, 1684. Small folio, unbound. Paged 1–57.
In good condition. Perfect as to pages.
September 20, 1694–October 18, 1694. Small folio. Paged 1–83.
Good. Perfect.
February 28, 1694/5–March 1, 1695. Small folio. Unpaged. 6 pp.
Legible, but not very good.
May 8, 1695–May 22, 1695. Small folio. Unpaged. 27 pp. Legible,
but not very good.
October 3, 1695–October 19, 1695. Small folio. Paged 1–20. Good.
Perfect.
May 28, 1697–June 11, 1697. Small folio. Paged 5–51. Pp. 1, 2,
3, 4 missing. Good.
February 23, 1697/8–April 3, 1698. Small folio. Paged 1–110.
Good. Perfect.
October 20, 1698–November 12, 1698. Small folio. Paged 1–56.
Good. Perfect.
Same. Contemporary copy. Small folio. Paged 1–80. Good. Few
leaves at end missing.

U. H. JOURNAL.

1659/60-1698.

COPY.

A copy made in the last century from the originals. Perfect and in good order. A large folio of 1032 pages, bound in leather, with brass clasps and mountings.

The Assemblies begin and end as follows:

- January 12, 1659/60-March 14, 1659/60. Pp. 1-8.
- April 17, 1661-May 2, 1661. Pp. 9-21.
- April 1, 1662-April 12, 1662. Pp. 22-36.
- September 15, 1663-October 3, 1663. Pp. 37-59.
- September 6, 1664-September 21, 1664. Pp. 60-80.
- April 10, 1666-May 2, 1666. Pp. 81-127.
- April 13, 1669-May 8, 1669. Pp. 128-169.
- March 27, 1671-April 19, 1671. Pp. 170-205.
- October 10, 1671-October 19, 1671. Pp. 206-216.
- May 19, 1674-June 6, 1674. Pp. 217-255.
- February 12, 1674/5-February 24, 1674/5. Pp. 377-388.
- May 15, 1676-June 15, 1676. Pp. 256-290.
- August 16, 1681-September 17, 1681. Pp. 291-355.
- November 1, 1681-November 12, 1681. Pp. 356-376.
- April 25, 1682-May 13, 1682. Pp. 389-434.
- October 26, 1682-November 17, 1682. Pp. 435-487.
- Oct. 2, 1683-Nov. 6, 1683. Pp. 488-545.
- April 1, 1684-April 26, 1684. Pp. 674-720.
- Nov. 14, 1688-Nov. 17, 1688. Pp. 546-558.
- Nov. 19, 1688-Dec. 8, 1688. Pp. 559-594.
- May 10, 1692-June 9, 1692. Pp. 595-673.
- Sept. 20, 1694-Oct. 18, 1694. Pp. 721-793.
- Feb. 28, 1694/5-March 1, 1694/5. Pp. 794-799.
- Page 800 blank.
- May 8, 1695-May 22, 1695. Pp. 801-828 (p. 818 omitted).
- Page 829 blank.
- Oct. 2, 1695-Oct. 19, 1695. Pp. 830-849.
- April 30, 1696-May 14, 1696. Pp. 850-888.
- July 1, 1696-July 10, 1696. Pp. 889-900.
- Sept. 16, 1696-Oct. 2, 1696. Pp. 901-923.
- May 26, 1697-June 11, 1697. Pp. 924-951.
- Feb. 23, 1697/8-April 3, 1698. Pp. 952-996.
- Oct. 20, 1698-Nov. 12, 1698. Pp. 997-1032.

U. H. JOURNAL.

Originals, 1699-1714.

All unbound.

June 29, 1699-July 22, 1699. Small folio. Good. Perfect. Paged 1-82.

June 29, 1699–July 22, 1699. Small folio. Good. Perfect. Paged 1–100.

April 26, 1700–May 9, 1700. Folio. Good. Perfect. Paged 1–46.

May 8, 1701–May 17, 1701. Folio. Perfect—few leaves worm-eaten. Pp. 73–121 of a contemporary vol.

May 8, 1701–May 17, 1701. Folio. Good. Perfect. Contemporary copy. Paged 1–49.

March 16, 1702–March 25, 1702. Small folio. Good. Perfect. Paged 1–43.

June 25, 1702–June 26, 1702. Small folio. Good. Perfect. Paged 1–15.

Oct. 26, 1703–Oct. 29, 1703. Small folio. Good. Perfect. Paged 1–14.

Sep. 5, 1704–Oct. 3, 1704. Small folio. Good. Perfect. Unpaged. Pp. 13–14 blank. 66 pp.

Dec. 5, 1704–Dec. 9, 1704. Folio. Unpaged. 16 pp. Pp. 1–2 and 7 pp. at end missing. Lower edges defective.

May 15, 1705–May 25, 1705. Folio. Good. Perfect. Unpaged. 39 pp.

April 2, 1706–April 19, 1706. Small folio. Good. Perfect. Paged 1–70.

March 26, 1707–April 15, 1707. Small folio. Good. Perfect. Paged 1–98.

Nov. 29, 1708–Dec. 17, 1708. Small folio. Good. Perfect. Paged 1–51.

Same, with the messages sent from one house to the other on small scraps of paper. Clerk's rough copy. Small folio. Paged 1–22. 2 pp. at end missing.

Oct. 25, 1709–Nov. 12, 1709. Small folio. Good. Perfect. Paged 1–39.

Oct. 24, 1710–Nov. 4, 1710. Small folio. Good. Perfect. Paged 1–34.

Same. Small folio. Original rough minutes. Unpaged. 32 pp.

Oct. 23, 1711–Nov. 3, 1711. Small folio. Good. Perfect. Paged 1–59.

Oct. 28, 1712–Nov. 15, 1712. Small folio. Good. Perfect. Paged 1–64.

Oct. 27, 1713–Nov. 14, 1713. Folio. Good. Perfect. Paged 1–74.

June 22, 1714–July 3, 1714. Small folio. Good. Perfect. Paged 1–65.

Oct. 5, 1714–Oct. 9, 1714. Small folio. Good. Perfect. Paged 1–16.

U. H. JOURNAL.

1699–1714.

COPY.

Last century. Small stout folio, bound in rough sheep. 936 pp. Perfect; good condition.

The sessions begin and end as follows:

- June 29, 1699–July 22, 1699, pp. 1–105 (p. 97 duplicated).
 April 26, 1700–May 9, 1700, pp. 106–146. One blank page.
 May 8, 1701–May 17, 1701, pp. 147–187. One blank page.
 March 16, 1701/2–March 25, 1702, pp. 188–226. One blank page.
 June 25, 1702–June 26, 1702, pp. 227–238.
 October 26, 1703–October 29, 1703, pp. 239–249. One blank page.
 September 5, 1704–October 3, 1704, pp. 250–344. One blank page.
 December 5, 1704–December 9, 1704, pp. 345–368.
 May 15, 1705–May 25, 1705, pp. 369–416.
 April 2, 1706–April 19, 1706, pp. 417–469. One blank page.
 March 26, 1707–April 15, 1707, pp. 468–552. One blank page.
 September 27, 1708–October 5, 1708, pp. 945–956.
 November 29, 1708–December 17, 1708, pp. 553–589. (Page 554 numbered 534, and so on.) One blank page.
 October 25, 1709–November 12, 1709, pp. 590–634. One blank page.
 October 24, 1710–November 4, 1710, pp. 635–669. One blank page.
 October 23, 1711–November 3, 1711, pp. 670–713.
 October 28, 1712–October 28, 1712, pp. 712–715. (Page 714 numbered 712 in error.)
 October 29, 1712–November 15, 1712, pp. 716–776. One blank page.
 October 27, 1713–November 14, 1713, pp. 777–859. One blank page.
 June 22, 1714–July 3, 1714, pp. 860–924.
 October 5, 1714–October 9, 1714, pp. 925–943. Page 944 blank.

U. H. JOURNAL.

Originals, 1715–1722.

All unbound.

- April 29, 1715–June 3, 1715. Small folio. Good. Paged 9–100. Pp. 1–8 and pp. at end missing.
 July 17, 1716–August 10, 1716. Small folio. Good. Paged 1–176. Pp. 83–112 and pp. at end missing.
 May 29, 1717–June 8, 1717. Small folio. Good. Paged 1–75. Perfect.
 April 23, 1718–May 10, 1718. Small folio. Good. Perfect. Paged 1–142, and one unnumbered page.
 April 6, 1720–April 22, 1720. Small folio. Good. Perfect. Paged 1–121.
 October 20, 1720–October 27, 1720. Small folio. Good. Perfect. Paged 1–102.
 July 19, 1721–August 5, 1721. Small folio. Badly injured. Paged 5–109. Pp. 1–4 and pp. at end missing.

July 19, 1721–August 5, 1721. Small folio. Contemporary copy. Good. Perfect. Paged 1–125, and 8 pp. depositions at end.

February 20, 1721/2–February 28, 1721/2. Good. Perfect. Paged 1–32.

October 10, 1722–November 3, 1722. Small folio. Good. Perfect. Paged 1–56.

U. H. JOURNAL.

1715–1722.

CONTEMPORARY COPY.

Small stout folio, bound in rough sheep. 1044 pages. Good condition. Perfect.

Sessions begin and end as follows:

April 26, 1715–June 3, 1715, pp. 1–138. Pages 139–146 blank.

July 17, 1716–August 10, 1716, pp. 147–310. One blank page.

May 29, 1717–June 8, 1717, pp. 311–387. One blank page.

April 23, 1718–May 10, 1718, pp. 388–509. One blank page.

May 14, 1719–June 6, 1719, pp. 510–609. One blank page.

April 5, 1720–April 22, 1720, pp. 610–744. One blank page.

October 12, 1720–October 27, 1720, pp. 745–824. Two blank pages.

July 19, 1721–August 5, 1721, pp. 825–913. Pp. 914–921 sundry depositions. One blank page.

February 20, 1721/2–February 28, 1721/2, pp. 922–960. One blank page.

October 10, 1722–November 3, 1722, pp. 961–1044.

U. H. JOURNAL.

Originals, 1726–1729.

Both unbound.

July 12, 1726–July 25, 1726. Small folio. Worm-eaten. Perfect. Paged 1–53.

July 10, 1729–Aug. 8, 1729. Folio. Good. Perfect. Paged 1–89.

U. H. JOURNAL.

1723–1729.

CONTEMPORARY COPY.

Folio bound in vellum, 461 pages, perfect and in good condition.

Sessions begin and end as follows:

Sep. 23, 1723–Oct. 26, 1723, pp. 1–95. Page 96 blank.

Oct. 6, 1724–Nov. 4, 1724, pp. 97–167. Page 168 blank.

Oct. 6, 1725–Nov. 6, 1725, pp. 169–250. Two blank pages.

March 15, 1725/6–March 23, 1725/6, pp. 251–270. Two blank pages.

July 12, 1726–July 25, 1726, pp. 271–296.
 Oct. 10, 1727–Oct. 30, 1727, pp. 297–338.
 Oct. 3, 1728–Nov. 2, 1728, pp. 339–397. Page 398 blank.
 July 10, 1729–Aug. 8, 1729, pp. 399–461.

U. H. JOURNAL.

1742.

ORIGINALS.

Sept. 21, 1742–Oct. 29, 1742. Small folio, unbound. Good. Perfect.
 Paged 1–57.

U. H. JOURNAL.

1730–1742.

CONTEMPORARY COPY.

Folio, bound in rough sheep, paged to 354, after which it continues as 255–271, rest unpagged. Perfect and in fair condition.

Sessions begin and end as follows:

May 21, 1730–June 16, 1730, pp. 1–68.
 July 13, 1731–July 29, 1731, pp. 69–103.
 Aug. 19, 1731–Sep. 6, 1731, pp. 104–163.
 July 11, 1732–Aug. 8, 1732, pp. 164–246.
 March 13, 1732/3–April 12, 1733, pp. 247–301.
 March 19, 1733/4–March 25, 1734, pp. 302–309.
 March 20, 1734/5–April 24, 1735, pp. 310–354, 255–271.
 March 19, 1735/6–April 10, 1736. 49 pp.
 April 20, 1736–May 6, 1736. 32 pp.
 April 26, 1737–May 28, 1737. 35 pp.
 Aug. 11, 1737–Aug. 16, 1737. 22 pp.
 May 3, 1738–May 23, 1738. 32 pp.
 May 1, 1739–June 12, 1739. 63 pp.
 April 23, 1740–June 5, 1740. 101 pp.
 July 7, 1740–July 29, 1740. 73 pp.
 May 26, 1741–June 21, 1741. 43 pp.
 Sep. 21, 1742–Oct. 29, 1742. 50 pp.

U. H. JOURNAL.

1754.

ORIGINAL.

July 17, 1754–July 25, 1754. Small folio, unbound. Good. Perfect.
 Paged 1–20.

U. H. JOURNAL.

1744-1754.

CONTEMPORARY COPY.

Large folio, bound in vellum, perfect and in good condition. Paged 1-529. Sessions begin and end as follows:

May 1, 1744-June 4, 1744, pp. 1-49.
Aug. 5, 1745-Sep. 28, 1745, pp. 51-101. Page 50 blank.
March 12, 1745/6-March 29, 1746, pp. 102-118.
June 17, 1746-July 8, 1746, pp. 119-142.
Nov. 6, 1746-Nov. 12, 1746, pp. 143-155. Blank left for a Message.
May 16, 1747-July 11, 1747, pp. 156-210.
Dec. 22, 1747-Dec. 23, 1747, pp. 211-219.
May 10, 1748-June 11, 1748, pp. 220-273.
May 9, 1749-May 11, 1749, pp. 274-280.
May 24, 1749-June 24, 1749, pp. 281-325.
May 8, 1750-June 2, 1750, pp. 326-366.
May 15, 1751-June 8, 1751, pp. 367-396.
Dec. 7, 1751-Dec. 14, 1751, pp. 397-405.
June 3, 1752-June 23, 1752, pp. 406-429.
Oct. 2, 1753-Nov. 17, 1753, pp. 430-479.
Feb. 26, 1754-March 9, 1754, pp. 480-487.
May 8, 1754-May 30, 1754, pp. 488-506.
July 17, 1754-July 25, 1754, pp. 507-518.
Dec. 12, 1754-Dec. 24, 1754, pp. 519-529.

U. H. JOURNAL.

1755-1761.

CONTEMPORARY COPY.

Large folio, bound in vellum, perfect and in good condition. Paged 1-457, rest unpagged. Sessions begin and end as follows:

Feb'y 22, 1755-March 26, 1755, pp. 1-34.
June 23, 1755-July 8, 1755, pp. 35-49.
Feb'y 23, 1756-May 22, 1756, pp. 49-116, p. 49 duplicated.
Sept. 14, 1756-Oct. 9, 1756, pp. 117-147.
April 8, 1757-May 9, 1757, pp. 147-181.
Sept. 28, 1757-Dec. 16, 1757, pp. 181-283.
Feb'y 13, 1758-March 9, 1758, pp. 239-252.
March 28, 1758-May 13, 1758, pp. 253-361.
Oct. 23, 1758-Nov. 4, 1758, pp. 361-370, p. 350 duplicated.
Nov. 22, 1758-Dec. 23, 1758, pp. 371-397.
April 4, 1759-June 17, 1759, pp. 398-413.
March 22, 1760-April 11, 1760, pp. 414-441.
Sept. 25, 1760-Oct. 13, 1760, apparently incomplete; pp. 442-457.
April 13, 1761-May 6, 1761, 33 pp.

At the end is a Lease from Horatio Sharpe, Governor, Dec. 25, 1762, to Henry Heinzman, M. D., and his successors, of a tract of land in the western part of the State, 3 pp., followed by Proceedings of a Court at Kensington, Sept. 2, 1760, in reference to Nineteen Acts passed in 1758-59, by Pennsylvania. 28 pp.

U. H. JOURNAL.

1773.

ORIGINAL.

June 15, 1773-July 3, 1773. Small folio, unbound. Lower edges injured by damp. Perfect. Paged 1-28.

U. H. JOURNAL.

1762-1773.

CONTEMPORARY COPY.

Folio, bound in vellum. Perfect and in good condition. Paged 1-737.

Sessions begin and end as follows:

March 17, 1762-April 28, 1762, pp. 1-103. P. 25 duplicated.

Oct. 4, 1763-Nov. 26, 1763, pp. 104-199.

Sept. 23, 1765-Sept. 28, 1765, pp. 200-211.

Nov. 1, 1765-Dec. 20, 1765, pp. 212-304.

May 9, 1766-May 27, 1766, pp. 306-319, p. 305 blank.

Nov. 1, 1766-Dec. 6, 1766, pp. 320-369.

May 24, 1768-June 22, 1768, pp. 370-408.

Nov. 17, 1769-Dec. 20, 1769, pp. 410-442, p. 409 blank.

Sept. 25, 1770-Nov. 2, 1770, pp. 444-482, p. 443 blank.

Nov. 5, 1770-Nov. 21, 1770, pp. 484-522, p. 483 blank.

Oct. 2, 1771-Nov. 30, 1771, pp. 524-641, p. 523 blank.

June 15, 1773-July 3, 1773, pp. 644-677, pp. 642, 643 blank.

Oct. 13, 1773-Oct. 29, 1773, pp. 680-694, pp. 678, 679 blank.

Nov. 16, 1773-Dec. 23, 1773, pp. 696-737, p. 695 blank.

U. H. JOURNAL.

1774.

CONTEMPORARY COPY.

Folio, bound in rough sheep. Perfect and in good condition. Paged 1-29.

Session begins and ends as follows:

March 23, 1774-April 19, 1774, pp. 1-29.

SENATE JOURNALS.

SENATE JOURNAL.

1780-1783.

CONTEMPORARY COPY.

Folio, bound in rough sheep. Perfect, but wants repairing; beginning with p. 111 paged to 468, rest unpagged.

Sessions begin and end as follows:

Oct. 17, 1780-Feb'y 2, 1781. Gaps for Messages, etc. Pp. 11-159. P. 91 blank.

May 10, 1781-June 27, 1781, apparently incomplete at end. Pp. 162-217. Pp. 160, 161 blank.

Nov. 5, 1781-Jan. 22, 1782, pp. 219-296. P. 218 blank.

April 25, 1782-June 15, 1782, pp. 299-385. Pp. 297, 298 blank.

Nov. 4, 1782-Jan. 15, 1783, pp. 387-468 and 71 pp. P. 386 blank.

SENATE JOURNAL.

1783.

CONTEMPORARY COPY.

Folio, bound in vellum. Perfect and in good condition. Paged 1-96.

Sessions begin and end as follows:

April 21, 1783-June 1, 1783, pp. 1-91.

Nov. 3, 1783-Nov. 22, 1783, incomplete at end. Pp. 93-96. P. 92 blank.

LOWER HOUSE JOURNALS.

L. H. JOURNAL.

1666-1702.

Originals, all unbound.

April 10, 1666-May 1, 1666. Small folio, paged 1-101. Perfect, upper right hand quarter entirely gone.

Feb'y 12, 1674-Feb'y 23, 1674. Small folio, paged 1-24. Much worm-eaten, very doubtful if this can be used.

Oct. 20, 1678-Nov. 14, 1678. Folio, paged 1-56. Much worm-eaten, very doubtful if this can be used.

April 27, 1682-Nov. 16, 1682. Folio, paged 7-40; pp. 1-6 and pp. at end missing. Much worm-eaten at top.

April 1, 1684-April 26, 1684. Small folio, pp. 49. Much worm-eaten and injured by damp.

May 10, 1692-June 9, 1692. Small folio. Much worm-eaten at top. Paged 1-72.

September 20, 1693–September 26, 1693. Folio. Good. Perfect. Unpaged. 15 pp.

October 3, 1695–October 19, 1695. Small folio. Good. Perfect. Paged 1–21.

April 30, 1696–May 4, 1696. Small folio. Worm-eaten. Perfect. Paged 1–33. Large hole through entire book.

July 1, 1696–July 10, 1696. Small folio. Worm-eaten. Perfect. Paged 1–16. Large hole through entire book.

June 29, 1699–July 22, 1699. Small folio. Good. Perfect. Paged 1–94.

May 8, 1701–May 17, 1701. Small folio. Good. Perfect. Paged 1–60.

May 8, 1701–May 17, 1701. Folio. Good. Perfect. Paged 1–70. Contemporary copy.

March 16, 1701/2–March 25, 1702. Folio. Good. Perfect. Paged 1–56. Contemporary copy.

March 23–25, pp. 37–8–9–40 of a different copy.

L. H. JOURNAL.

1676–1702.

COPY.

A volume bearing the title of "Votes and Proceedings of the Province of Maryland. Lower House, 1676–1702."

Transcribed from originals by David Ridgely, Esq., State Librarian in 1838, who has added a note in the beginning as to the condition of the originals, and under what authority this copy was made. The pagination is irregular.

Sessions begin and end as follows:

May 15, 1676–June 15, 1676.

October 2, 1683–November 6, 1683.

April 1, 1684–April 26, 1684.

The previous two are very defective.

February 28, 1694/5–May 22, 1695.

Oct. 3, 1695–Oct. 19, 1695.

Committee of Accounts, May, 1695.

Do. do. Oct. 1695.

April 30, 1696–May 14, 1696.

July 1, 1696–July 10, 1696.

Sept. 16, 1696–Oct. 2, 1696.

May 26, 1697–June 11, 1697.

March 10, 1697/8–April 4, 1698.

Oct. 20, 1698–Nov. 12, 1698.

June 29, 1699–July 22, 1699.

May 8, 1708–May 17, 1701.

March 16, 1701/2–March 25, 1702.

L. H. JOURNAL.

1708-1713.

Originals, all unbound.

Sept. 27, 1708-Oct. 5, 1708. Small folio, in good condition. Paged 5-41. Pp. 1, 2, 3, 4 missing.

Nov. 29, 1708-Dec. 17, 1708. Small folio. Good. Perfect. Paged 1-100. 2 pp. at end unpagcd.

Oct. 24, 1710-Nov. 4, 1710. Small folio. Good. Perfect. Paged 1-71.

Oct. 23, 1711-Nov. 3, 1711. Small folio. Worm-eaten and lower edges damaged. Paged 3-60; pp. 1-2 missing.

Oct. 28, 1713-Nov. 14, 1713. Small folio. Good. Paged 6-122; pp. 1-5, 9-10, and several pages at end missing.

L. H. JOURNAL.

1704-1713.

COPY.

A volume lettered "Journal House of Delegates, 1704-1715," though the record only extends to November 14, 1713, made about the date of the last entry in the volume. It originally contained 556 pp. Until recently the volume lacked pp. 1-40 and pp. 55-56. Pages 1-14, 39-40, and 555 and 556, were received some years ago with a volume of Lower House Proceedings, 1714 to 1722, which was rebound by the Society and these leaves laid in that volume. During the present examination of the Archives they were replaced in the volume now described, which still lacks pp. 15-38. The volume is probably a fair copy of the original daily record.

Sessions begin and end as follows:

Dec. 5, 1704-Dec. 8, 1704. Pp. 1-14. Pp. 15-38 missing.

May 19, 1705-May 25, 1705. Pp. 39-61. P. 62 blank.

April 2, 1706-April 19, 1706. Pp. 63-124.

March 26, 1707-April 15, 1707. Pp. 125-202. Pp. 128-129 duplicated.

Sept. 27, 1708-Oct. 5, 1708. Pp. 419-442.

Nov. 29, 1708-Dec. 17, 1708. Pp. 203-272.

Oct. 25, 1709-Nov. 11, 1709. Pp. 273-336.

Oct. 24, 1710-Nov. 4, 1710. Pp. 337-377. P. 378 blank.

Oct. 23, 1711-Nov. 3, 1711. Pp. 379-418.

Oct. 28, 1712-Nov. 15, 1712. Pp. 443-503. P. 504 blank.

Oct. 27, 1713-Nov. 14, 1713. Pp. 505-556.

L. H. JOURNAL.

1714-1715.

Originals, both unbound.

June 22, 1714-July 3, 1714. Small folio. Good. Paged 1-58; pp. at end missing.

April 26, 1715-June 3, 1715. Folio. Good. Paged 2-136. Page 1 and one page at end missing.

L. H. JOURNAL.

1704-1715.

COPY.

Made in 1768 from copies of the separate sessions, taken at various dates. It is attested by John Duckett and Basil Wheeler, before R. Ghiselin.

Sessions begin and end as follows:

Dec. 5, 1704-Dec. 9, 1704. Pp. 1-20.

May 11, 1705-May 25, 1705. Pp. 21-46. A part of the record of May 23 is wanting and a blank left. Pp. 426-428 blank. This book also contains on pp. 47-425 the sessions noted in L. H. Journal 1704-1713, and the following:

June 22, 1714-July 3, 1714. Pp. 429-469. P. 470 blank.

Oct. 5, 1714-Oct. 9, 1714. Pp. 471-484.

April 26, 1715-June 3, 1715. Pp. 485-590.

L. H. JOURNAL.

1716-1719.

Originals, all unbound.

April 23, 1716-April 24, 1716. Small folio. Good. Perfect. Paged 1-13.

July 17, 1716-Aug. 20, 1716. Large folio. Good. Paged 2-105. Pp. 2, 3, 4, 5 defective, p. 1 omitted.

May 28, 1717-June 8, 1717. Small folio. Good. Perfect. Unpaged. 70 pp.

May 14, 1719-June 6, 1719. Small folio. Good. Paged 1-130. Good. Pp. 69-72, pp. 891-92 missing.

L. H. JOURNAL.

LIBER R. U. 1714-1722.

COPY.

This is a fair copy of the original daily record.

The volume is imperfect, beginning with p. 13; pp. 27-8 missing.

There is no pagination after 366 (May 10, 1718), and from pp. 45-130 there is a duplicate pagination numbered 1-88, there being an unnumbered leaf between pp. 67-8. After p. 232 the pagination continues as 225 *et seq.* to 366.

Sessions begin and end as follows:

June 26, 1714-July 3, 1714. Pp. 13-32. In part only. A perfect copy is in L. H. Journal 1704-1715. Pp. 27-28 missing.

Oct. 5, 1714-Oct. 9, 1714. Pp. 3-43. P. 43, verso, blank.

April 26, 1715-June 3, 1715. Pp. 44-134. 2 pages blank and unnumbered.

April 23, 1716-April 24, 1716. Pp. 135-141.

July 17, 1716-August 10, 1716. Pp. 142-232.

May 28, 1717-June 8, 1717. Pp. 225-279.

April 22, 1718-May 10, 1718. Pp. 279-366. 2 pages between 314-315 unnumbered. 4 pages after 366 unnumbered.

May 14, 1719-June 6, 1719. 74 pp.

April 5, 1720-April 22, 1720. 87 pp.

Oct. 11, 1720-Oct. 27, 1720. 31 pp.

July 18, 1721-Aug. 5, 1721. 40 pp.

Feb'y 20, 1721/2-Feb'y 28, 1721/2. 14 pp.

Oct. 9, 1722-Nov. 3, 1722. 34 pp.

L. H. JOURNAL.

1723-1731.

Originals, all unbound.

Sept. 28, 1723-Oct. 26, 1723. Folio. Part of an original volume Paged 19-117. Pp. 95 and 119 duplicated, p. 118 blank.

Oct. 6, 1724-Nov. 4, 1724. Folio. Same. Paged 119-192.

Oct. 20, 1725-Nov. 6, 1725. Folio. Same. Much injured by damp. Paged 193-275.

Oct. 20, 1725-Nov. 6, 1725. Folio. Apparently from another volume. Much worm-eaten. Unpaged, pp. 82.

March 15, 1725/6-March 23, 1725/6. Small folio. Good. Perfect. Unpaged, 31 pp.

March 15, 1725/5-March 23, 1725/6. Folio. Part of an original volume. Much injured by damp. Paged 277-304.

July 23, 1726-July 25, 1726. Folio. Same. Paged 307-325-326, wrongly numbered, 336-361, pp. 305-6 missing.

Oct. 10, 1727-Oct. 30, 1727. Folio. Worm-eaten. The first four and last three pages only, intermediate pages missing.

Oct. 10, 1727-Oct. 27, 1727. Folio. Part of an original volume. Upper left hand corner missing. Unpaged, 72 pp.

July 16, 1731-July 29, 1731. Small folio. Clerk's rough minutes. Imperfect and much damaged. 52 pp.

Aug. 19, 1731. Small folio. Imperfect and much damaged. 3 pp.

L. H. JOURNAL.

LIBER D. R. 1714-1722.

COPY.

A copy from Liber R. U. made in 1838-9, by David Ridgely, State Librarian. Large folio, bound in rough sheep.

L. H. JOURNAL.

1728-1739.

COPY.

A fair copy of the original, of nearly 900 pp. The volume is paged from 1-358.

Sessions begin and end as follows:

Oct. 3, 1728-Nov. 2, 1728. Pp. 1-88. Pp. 89-90 blank.

July 10, 1729-Aug. 8, 1729. Pp. 91-175. P. 176 blank.

May 21, 1730-June 16, 1730. Pp. 177-284. Pp. 285-286 blank.

July 13, 1731-July 29, 1731. Pp. 287-314. 2 pp. blank and unnumbered.

Aug. 9, 1731-Sept. 6, 1731. Pp. 314-358. 1 p. blank.

July 11, 1732-Aug. 8, 1732. 79 pp.

March 13, 1732/3-April 12, 1733. 56 pp.

March 19, 1733/4-March 25, 1734. 12 pp.

March 20, 1734/35-April 24, 1735. 90 pp.

March 19, 1735/6-April 10, 1736. 46 pp.

April 20, 1736-May 6, 1736. 33 pp.

April 26, 1737-May 28, 1737. 44 pp.

Aug. 11, 1737-Aug. 16, 1737. 16 pp.

May 3, 1738-May 23, 1738. 28 pp.

May 1, 1739-June 12, 1739. 127 pp.

L. H. JOURNAL.

1749.

ORIGINAL.

May 9, 1749-May 11, 1749. Small folio, unbound. Good. Perfect. Paged 1-28.

L. H. JOURNAL.

1740-1749.

COPY.

Large folio, in good condition and perfect. A fair copy of the original. Not paged.

Sessions begin and end as follows:

April 23, 1740-June 5, 1740. 135 pp.

July 7, 1740-July 29, 1740. 118 pp.

May 16, 1741-June 22, 1741. 50 pp.

Sept. 21, 1742–Oct. 29, 1742. 67 pp.
May 1, 1744–June 4, 1744. 66 pp.
Aug. 5, 1745–Sept. 28, 1745. 99 pp.
March 12, 1745/6–March 29, 1746. 31 pp.
June 17, 1746–July 8, 1746. 83 pp.
Nov. 6, 1746–Nov. 12, 1746. 23 pp.
May 16, 1747–July 11, 1747. 53 pp.
Dec. 22, 1747–Dec. 23, 1747. 8 pp.
May 10, 1748–June 11, 1748. 58 pp.
May 9, 1749–May 11, 1749. 12 pp.
May 24, 1749–June 24, 1749. 63 pp.

L. H. JOURNAL.

1750.

ORIGINAL.

May 8, 1750–June 1, 1750. Small folio, unbound. Paged 1–169.
Much damaged at end.

L. H. JOURNAL.

1750–1754.

COPY.

Large folio, bound in vellum. Perfect, but wants rebinding. Fair copy of the original. Not paged.

Sessions begin and end as follows:

May 8, 1750–June 2, 1750. 102 pp.
May 15, 1751–June 8, 1751. 79 pp.
Dec. 7, 1751–Dec. 14, 1751. 22 pp.
June 3, 1752–June 23, 1752. 41 pp.
Oct. 2, 1753–Nov. 17, 1753. 121 pp.
Feb'y 26, 1754–March 9, 1754. 36 pp.
May 8, 1754–May 30, 1754. 15 pp.
July 17, 1754–July 25, 1754. 17 pp.

L. H. JOURNAL.

1754–1757.

COPY.

Fair copy from original. Perfect, but wants rebinding. Large folio. Paged 1–145.

Sessions begin and end as follows:

Dec. 12, 1754–Dec. 24, 1754. Pp. 1–25. P. 9 omitted.
Feb. 22, 1755–March 26, 1755. Pp. 26–95.
June 23, 1755–July 8, 1755. Pp. 96–160.
Feb'y 23, 1756–May 22, 1756. Pp. 161–318.
Sept. 14, 1756–Oct. 9, 1756. Pp. 319–374.
April 8, 1757–May 9, 1757. Pp. 375–451.

L. H. JOURNAL.

1757-1758.

ORIGINALS.

Sept. 28, 1757-Dec. 16, 1757. Small folio, unbound. Leaves 1-38 folioed. Paged 39-252. Much damaged throughout. 1 p. missing at end.

Feb'y 13, 1758-March 9, 1758. Small folio, unbound. About 52 pp. Much damaged throughout.

L. H. JOURNAL.

1757-1758.

COPY.

Fair copy from the originals. Small folio, bound in vellum. Perfect. Not paged.

Sept. 28, 1757-Dec. 16, 1757. 235 pp.

Feb'y 13, 1758-March 9, 1758. 31 pp.

L. H. JOURNAL.

1758.

COPY.

Fair copy from the original. Small folio, bound in vellum. Perfect. Not paged.

March 28, 1758-May 13, 1758. 226 pp.

L. H. JOURNAL.

1758-1760.

Originals, all unbound.

Oct. 23, 1758-Nov. 4, 1758. Small folio. Good. Perfect. Paged 1-44.

Nov. 22, 1758-Dec. 23, 1758. Small folio. Perfect. Paged 1-100. Pp. 1-20 damaged.

March 22, 1760-April 11, 1760. Small folio. Good. Perfect. Paged 1-201.

L. H. JOURNAL.

1758-1761.

COPY.

Fair copy from original. Small folio. Perfect. Paged to 165, rest unpagged. Bound in sheep and covered with canvas.

Sessions begin and end as follows:

Oct. 23, 1758-Nov. 4, 1758. Pp. 1-27. P. 28 blank.

Nov. 22, 1758-Dec. 23, 1758. Pp. 29-98. P. 99 blank.

April 4, 1759-April 17, 1759. Pp. 100-165.

March 22, 1760–April 11, 1760. 111 pp.

Sept. 26, 1760–October 15, 1760. 55 pp.

April 13, 1761–May 6, 1761. 87 pp.

L. H. JOURNAL.

1762–1763.

ORIGINALS.

March 22, 1762–April 24, 1762. Small folio, unbound. Paged 9–68, pp. 1–8 and pp. at end missing. Clerk's rough minutes.

Oct. 4, 1763–Nov. 26, 1763. Small folio unbound. Unpaged, pp. 235. Last 24 pp. much torn and damaged.

L. H. JOURNAL.

1762–1768.

COPY.

Fair copy from the original. Perfect. Not paged. Large folio, bound in rough sheep.

Sessions begin and end as follows:

March 6, 1762–April 24, 1762. 94 pp.

Oct. 4, 1763–Nov. 26, 1763. 143 pp.

Sep. 23, 1765–Sep. 28, 1765. 25 pp.

Nov. 1, 1765–Dec. 20, 1765. 94 pp.

May 9, 1766–May 27, 1766. 72 pp.

Nov. 1, 1766–Dec. 6, 1766. 58 pp.

May 24, 1768–June 22, 1768. 65 pp.

L. H. JOURNAL.

1771.

ORIGINAL.

Oct. 3, 1771–Nov. 30, 1771. Small folio, half morocco. Paged 12–220. Pp. 1–11, 101–2 and 221 missing, pp. 219–220 defective.

L. H. JOURNAL.

1769–1774.

COPY.

Fair copy from the minutes. Perfect. Not paged. Large folio, bound in sheep.

Sessions begin and end as follows:

Nov. 17, 1769–Dec. 20, 1769. 64 pp.

Sep. 25, 1770–Nov. 2, 1770. 79 pp.

Nov. 5, 1770–Nov. 21, 1770. 48 pp.

Oct. 2, 1771–Nov. 30, 1771. 111 pp.

June 15, 1773–July 3, 1773. 38 pp.

March 23, 1774–April 19, 1774. 41 pp.

CONVENTION.

CONVENTION JOURNAL.

1775-1776.

The Journal of the Convention begins July 26, 1775, ends Aug. 14, 1775. Original rough minutes. Small folio, bound in paper. Not paged. 35 pp.

Dec. 7, 1775-Jan. 18, 1776. Original draft. Small folio, unbound. Paged 1-130. Resolutions, Appointments, etc. Pp. 127-8 missing.

Dec. 7, 1775-Jan. 18, 1776. Original rough draft. Small folio. Unpaged. 47 pp. Proceedings. Two preceding in very bad condition.

May 8, 1776-May 25, 1776. Original rough-notes. Small quarto. Bound in paper. Unpaged. 36 pp.

Nov. 9 to 11, 1776. Original rough draft. Small quarto. Unbound. Unpaged. 6 pp. Fragment.

COUNCIL OF SAFETY.

COUNCIL OF SAFETY JOURNAL.

1775-1777.

Originals. Bound in one small folio volume, recent binding, half morocco. Not paged. It begins with the Constitution of the Council of Safety, July 14, 1775. The Journals begin and end as follows:

Aug. 29 to Sep. 1, 1775.	} Top edges damaged by water stains, and a few lines missing.
Oct. 20-21, 1775.	
Jan. 18, 1776-May 25, 1776.	
May 27, 1776-July 6, 1776.	
July 6, 1776-Oct. 19, 1776.	
Oct. 21, 1776-Nov. 11, 1776.	
Nov. 12, 1776-March 20, 1777.	

Monday and Tuesday, Jan. 13, 14, 1777, missing.

COUNCIL OF SAFETY JOURNAL.

1776.

Original rough minutes, small quartos, unbound and unpaged. Begin and end as follows:

Jan. 18, 1776-March 9, 1776. "Book First." 46 pp.

March 10, 1776-April 22, 1776. "Book Second." 32 pp.

April 22, 1776-May 25, 1776. "Book Third." 34 pp.

May 27, 1776-July 6, 1776. 50 pp.

July 6, 1776-Sep. 8, 1776. 94 pp.

COUNCIL OF SAFETY JOURNAL.

1775-1777.

A copy of the Journals from Aug. 29, 1775, to March 20, 1777, preceded by the Convention of July 26, 1775-Aug. 14, 1775, copied by David Ridgely about 1838-9. Bound in one large folio volume, rough sheep, not paged. About 300 pp.

COUNCIL OF SAFETY JOURNAL.

1777.

ORIGINAL.

February 5, 6, 7, 1777. Small quarto. Unpaged. 11 pp. Clerk's rough minutes; very defective.

May 15, 1777-April 20, 1777. Small folio. Unpaged. 80 pp. Clerk's rough minutes; very defective.

HOUSE OF DELEGATES.

HOUSE OF DELEGATES JOURNAL.

1777.

"Journal of the Votes and Proceedings of the House of Delegates of the State of Maryland under the New Constitution and Form of Government. Beginning on February 5, 1777." Original Journal, recorded from the minutes. Perfect. Paged 1-323, 1-180. Large folio, bound in vellum.

Feb'y 5, 1777-April 20, 1777. Pp. 1-267.

June 16, 1777-June 29, 1777. Pp. 268-323.

Oct. 31, 1777-Dec. 23, 1777. Pp. 1-180.

HOUSE OF DELEGATES JOURNAL.

1778.

ORIGINAL.

Oct. 26, 1778-Dec. 1, 1778. Small folio, unbound. Paged 1-88. Very much damaged.

HOUSE OF DELEGATES JOURNAL.

1779-1780.

"Proceedings of the House of Delegates. Begun November 1, 1779, and ended May, 1780." Original Journal. Perfect, but needs rebinding. Small folio, bound in vellum. Paged to 109, rest unpagcd.

Nov. 1, 1779-Dec. 30, 1779. Pp. 1-109.

March 23, 1780-May 16, 1780. 118 pp. Many gaps left.

LAWS.

LIBER C. & W. H.

1638/9-1678.

Small folio, bound in vellum, of 366 pages. A copy made in 1726 from Original Libers C. & W. H. C. extends from pp. 1-105, and W. H. from pp. 106-365, the attestation being on p. 366. It begins with:

Acts, February-March 12, 1638/9. 37 Acts in full, last one only enacted, pp. 1-63.

One Act of Assembly, March 19, 1638/9, pp. 63-66.

Two Orders, October 1640, p. 67.

Acts of October 1640, 10 Acts and 1 oath, pp. 67-71.

Acts of August 12, 1641, 3 Acts, pp. 72-75.

Acts of March 23, 1641/2, 3 Acts, pp. 75-79.

Acts of July 19, 1642, 30 Acts, 3 Tables of Fees, pp. 79-105. End of Liber C.

Liber W. H. Original had 182 pp.—in this it is pp. 106-365. It begins with:

17 Acts of 1640, 1649 and 1650, mixed together by the copyist.

Liber C. contains those of 1640, and Liber A. original contains those of 1649 and 1650: in this W. H. they are made to appear as the Acts of one session, that of Oct. 23, 1640.

The Acts of 1640 are Nos. 1, 3, 4; of 1649, 2, 6, 8, 9, 13, 14; of 1650, 5, 7, 10, 11, 12, 15, 16, 17. These occupy pp. 106-128.

Acts of April 29, 1650, 5 Acts, pp. 128-134.

Acts of April 27, 1658, 5 Acts, pp. 134-139.

Acts of April 17, 1661, 7 Acts, pp. 140-147.

Acts of April 1, 1662, 2 Acts, pp. 148-149.

Acts of Sept. 15, 1663, 4 Acts, pp. 149-152.

Acts of Sept. 6, 1664, 2 Acts, pp. 152-154.

Acts of April 10, 1666, 7 Acts and 1 petition, pp. 154-162.

Acts of April 13, 1669, 7 Acts and 1 petition, pp. 162-183.

Acts of March 27, 1671, 9 Acts and 2 petitions, pp. 183-205.

Acts of Oct. 10, 1671, 5 Acts and 2 petitions, pp. 206-222.

Acts of April 13, 1674, 13 Acts and 2 petitions, pp. 222-249.

Acts of February 12, 1674/5, 1 Act and 2 petitions, pp. 250-254.

Acts of May 15, 1676, 15 Acts and 1 petition, pp. 254-301. Of these Acts one is for repealing certain laws, the titles of which occupy 8 pp.

Acts of Oct. 20, 1678, 15 Acts and 3 petitions, pp. 301-365.

LIBER W. H. & L.

1640-1692.

A small folio, bound in sheep. The first few pages somewhat injured by damp. W. H. occupies 182 pp., followed by 16 blank pp. L. paged from 1-146, and part of an index. Part W. H. of this book is attested by the signature and seal of Wm. Calvert, Secretary, and was the source of W. H. in the book last described. The Acts of 1640, 1649, 1650 are mixed as in the book last described, and cover pp. 1-13.

Acts of April 29, 1650, pp. 14-17.

Acts of April 27, 1658, pp. 17-20.

Acts of April 17, 1661, pp. 20-25.

Acts of April 1, 1662, pp. 25-26.

Acts of September 15, 1663, pp. 26-28.

Acts of September 6, 1664, pp. 28-29.

Acts of April 10, 1666, pp. 29-34.

Acts of April 13, 1669, pp. 34-47.

Acts of March 27, 1671, pp. 48-62.

Acts of October 10, 1671, pp. 62-73.

Acts of April 13, 1674, pp. 73-92.

Acts of February 12, 1674/5, pp. 92-95.

Acts of May 15, 1676, pp. 95-131.

Acts of October 20, 1678, pp. 131-182.

Part L. contains Acts of May 10, 1692, 84 Acts, pp. 1-146.

LIBER L. L. No. 1.

1692.

Folio, bound in sheep, paged, 249 pages and index. Perfect condition. A note at the end explains this to be a copy made at Whitehall in 1695 from the original in the Plantation Office. It contains the Acts passed in the session of May 10, 1692, as recorded in Part L. of volume last described.

LIBER L. L. No. 2.**LIBER L. L. No. 3.**

1692-1710.

These two books, each separately paged, are bound together in one large folio, sheep. No. 2 covers pp. 1-443, and contains the Acts 1699-1704, with laws revived and continued from 1692-1698. No. 3 covers pp. 1-411, and contains Acts 1704-1710.

Acts of 1692, 26 Acts, revived, pp. 1-51.

Acts of 1694, 11 Acts, continued, pp. 51-80.

Acts of Feb'y 28, 1694/5, 2 Acts, pp. 81-84.

Acts of May 6, 1695, 7 Acts, pp. 84-97.
 Acts of Oct. 1695, 3 Acts, pp. 98-106.
 Acts of April 30, 1696, 3 Acts, pp. 107-111.
 Acts of July 1696, 8 Acts and Address to the King, pp. 111-157.
 Acts of April 3, 1698, 6 Acts, pp. 157-166.
 Acts of Oct. 20, 1698, 4 Acts, pp. 166-174.
 Acts of June 28, 1699, 50 Acts and one petition, pp. 175-371.
 Acts of April 26, 1700, 11 Acts, pp. 372-399. P. 400 blank.
 Acts of March 16, 1701/2, 6 Acts and 1 petition, pp. 401-419.
 Acts of May 8, 1701, 6 Acts, pp. 419-423. P. 424 blank.
 Acts of Oct. 26, 1703, 2 Acts, pp. 425-427.
 Acts of April 26, 1704, 13 Acts, pp. 428-443. P. 444 blank.

Liber L. L. No. 3:

Acts of Sept. 5, 1704, 72 Acts, pp. 1-177. Pp. 178-180 blank.
 Acts of Dec. 5, 1704, 16 Acts, pp. 181-216.
 Acts of May 15, 1705, 11 Acts, pp. 217-229. P. 230 blank.
 Acts of April 2, 1706, 14 Acts, pp. 231-272.
 Acts of March 26, 1707, 24 Acts, pp. 273-335. P. 336 blank.
 Acts of Nov. 29, 1708, 21 Acts, pp. 337-382.
 Acts of Oct. 26, 1709, 14 Acts, pp. 383-396.
 Acts of Oct. 24, 1710, 17 Acts, pp. 397-409.
 One Act of Sept. 1704, pp. 409-411, recopied in error.
 Index unpagcd.

COURT RECORDS.

LIBER P. C. R.

1658-1662/3.

ORIGINAL.

Folio, half bound in morocco, paged, much damaged on bottom edges by damp and decay. Begins March 26, 1658, and ends February 16, 1662/3.

Pages 1-22, damaged.

23-222, somewhat torn, but nothing lost.

223-228, blank.

229-290, perfect

291-314, damaged at bottom.

315-340, July 4-October 6, 1659, missing.

341-373, slightly damaged.

A blank page.

374-504, damaged at bottom.

504, duplicated.

505-509, damaged. The next page is numbered 600.

600-609, as before. The next page is numbered 700.

700-709, as before. The next page is numbered 800.

800-801, as before. Page 802 erroneously numbered 803.

803-809, as before. The next page is numbered 900.

Pages 900-909, as before. The next page is numbered 1000.
1000-1123, badly damaged. Pages 1092-3 misplaced between
pp. 1095-6.
1123, duplicated.
1124-1144, very badly damaged.
1145-1160, missing.
1161-1162, fragment.

Part of W. of index.

Although the pagination is continuous from pp. 373-374, yet five leaves have been cut out, as appears by the stubs. This was done in conformity with an order (p. 378) directing that "all acts and orders entered in the time of the defection of the government from his Lo^p, being the fifth of March, 1659, Be null and of noe force, and that the same be forthwith razed and torne from among the Records."

LIBER H. W. No. 3.

1695-1706.

The Record of a Court of Oyer and Terminer. Contemporary copy. Small folio, recently half bound in morocco. Contains 276 pages and index. Pages 1-53 partly lost, and the rest mere fragments. The first legible date is Sept. 10, 1695, and the last, July 18, 1706.

LIBER O. & T.

1728-1752.

COPY.

Large folio, bound in rough sheep, and perfect in all respects. 27 pages (unpaged) contain the record of a Court of Oyer and Terminer 1728-1736. Pages 1-116 Proceedings of a Court of Delegates, begun Oct. 14, 1751, and ended Oct. 21, 1752.

LIBER C. D.

1751-1752.

Original record of the above Court of Delegates. Small folio, bound in boards. Paged 1-186. Good condition and perfect.

LETTER-BOOKS.

Six books of Horatio Sharpe, and Robert Eden, Governors. The letters from Sharpe run 1753-1761; those from Eden, 1761-1771.

Letters to Frederick, Lord Baltimore, and to Cecilius Calvert, Esq. A small folio, bound in rough sheep, not paged. Letters from August 20, 1753-August 28, 1758.

Letters to the same and to Hugh Hamersley, Secretary to the Proprietary. Small folio, bound in rough sheep, not paged. Letters from September 16, 1758-June 11, 1767.

Letters to Lord Baltimore, Mr. Hamersley and Henry Harford, Esq. Small folio, recently half bound in morocco, not paged. Letters from June 15, 1767-June 5, 1771.

Letters to various persons. Small folio, bound in vellum, 183 pages. Letters from October 25, 1754-March 22, 1756, with two letters of August 8, 1754, on first pages.

Letters to various persons. Folio, bound in rough sheep, not paged. Letters from March 23, 1756-March 2, 1769.

COUNCIL OF SAFETY CORRESPONDENCE.

1775-1777.

A copy made by D. Ridgely about 1838-39. Large folio of about 800 pages, bound in rough sheep, paged 1-199. It contains letters from the Council, Jan. 19, 1776-March 19, 1777; letters to the Council, Jan. 15, 1775-March 18, 1777; letters (from officers, agents, etc.) July 1, 1776-Feb. 28, 1777.

Original Letter-Book. Small folio, bound in vellum, paged 1-371. Runs from No. 1, Jan. 18, 1776-No. 159, and one unnumbered, dated May 25, 1776; No. 1, June 1, 1776-No. 64, July 6, 1776; No. 2, July 7, 1776-No. 205, Oct. 11, 1776.

"Letters written by the Council of Safety of Maryland in continuation of Liber No. 1." Original Letter-Book. Folio, bound in vellum, containing pp. 1-130, and blank pages. Letters run: No. 206, Oct. 10, 1776-No. 251, Nov. 9, 1776; No. 1, Nov. 12, 1776-No. 190, March 19, 1777.

COUNCIL CORRESPONDENCE.

1777-1779.

Original Letter-Book. Folio, half-bound in sheep, containing 266 pages, pp. 72-73 blank. Letters from the Council. Letters run: No. 1, March 22, 1777-No. 187, Nov. 6, 1777; No. 1, Nov. 20, 1777-No. 508, May 28, 1779.

1779-1780.

Letter-Book No. 2. Folio, rough sheep, containing 210 pages, page 37 blank. Letters from the Council. Letters run: No. 509, May 29, 1779-No. 644, Nov. 6, 1779; No. 1, Nov. 10, 1779-No. 536, Nov. 10, 1780.

1780-1787.

Original Letter-Book. Large folio, bound in vellum, paged 1-38, the rest unpagged. Letters run: No. 1, Nov. 14, 1780-No. 1308, Nov. 14, 1782; No. 1, Nov. 20, 1782-No. 267, Nov. 14, 1785; No. 1, Dec. 16, 1785-No. 131, Nov. 10, 1787.

1787-1793.

Original Letter-Book. Small folio, full bound in sheep, paged 1-167, the rest unpagged. Letters run: No. 132, Dec. 12, 1787-No. 157, Nov. 7, 1788; No. 1, Nov. 28, 1788-No. 204, Nov. 3, 1791; No. 1, Nov. 23, 1791-No. 118, Nov. 7, 1793.

COMMISSION BOOKS.

LIBER P. C.

1726-1786.

Commissions issued by the Provincial Court. Original perfect, but leaves misplaced. Folio, bound in sheep, covered with canvas. Begins October 26, 1726, ends December 5, 1786; not paged, 324 pages.

LIBER [unnamed].

1726-1786.

A copy of the above made by D. Ridgely, in 1838-9. Large folio, bound in rough sheep, paged, with the leaves rightly placed, 241 pages.

LIBER J. R.

1733-1750, 1761-1773.

Commissions issued by the Lord Proprietary and Governor. Folio, bound in rough sheep, paged 1-333.

To 1750, probably from an older book. Begins July 25, 1733, ends May 19, 1750, pages 1-157. February 23, 1761-December 31, 1773, pages 158-333. Opinions of Sergt. Wynne, Thurlow, Wedderburn and Dunning, on Fees, 12 pages. H. Harford's Orders and Instructions to Robert Eden, March 2, 1773, 2 pages. Forms of Commissions, 1 page.

LIBER J. B. No. 1.

1774-1776.

Original. Small folio, bound in rough sheep, good and perfect, paged 1-41. Begins January 1, 1774, ends May 17, 1776.

LIBER C. O.

1777-1798.

List of Civil Officers of the State. Original. Good and perfect. A small folio of 270 pages, half bound in sheep. Begins with the election of Governor Johnson in 1777, and ends with 1798.

COMMISSION ON PUBLIC RECORDS.

1724-1729.

Minutes of the Commission appointed to inspect the Public Records. Commences June 13, 1724, ends July 2, 1729. Small folio, bound in vellum, paged, 48 pages, pp. 3-4 missing.

MINUTES OF THE BOARD OF REVENUE.

1768-1775.

Small folio, bound in vellum, paged 1-145. Contains orders and instructions to the Board, minutes of their proceedings, etc., from April 15, 1768, to January 11, 1775.

MARYLAND ARCHIVES.

1682-1785.

Large folio, half bound in morocco, paged 1-377. A collection of documents, letters and other important papers, copied by David Ridgely in 1838, by order of the Assembly of 1836. It contains papers relative to Indian Affairs, the Pennsylvania Boundary Question, the Government of the Province, the Currency, the Councils of Safety and Committees of Observations, and various letters. The period of time covered is 1682-1785.

CALENDAR OF MARYLAND STATE PAPERS.

1636-1776.

Small folio, half bound in morocco, paged by folios 1-408. Compiled by Rev. Ethan Allen, D.D., under the direction of John Henry Alexander, LL.D., in pursuance of an Act of the Assembly of 1858. It calendars fifteen of the books already described. The index to this volume has been printed.

PREFACE.

In providing for the publication of the early Archives of the Province and State, the General Assembly of Maryland had two objects in view: to secure these Archives from further loss, and to place students and investigators abroad in as favorable a position as is enjoyed by those who have access to the original manuscripts.

It is clear that neither of these objects will be attained unless the records are printed exactly as they stand. The moment an editor allows himself to make any correction, however slight or obvious, the integrity of the text is gone, and in its stead is given a version, the accuracy of which depends upon an unknown quantity.

The text, therefore, has been printed exactly as it is written, with all errors, irregularities of spelling, contractions, eccentricities of punctuation, &c., faithfully reproduced, so far as careful copying, collation, and proof-reading could insure fidelity. The solitary apparent exception occurs in the case of the article "the," written in some of the manuscripts with a cursive form of the Old English *þ* (*th*). This character is often erroneously represented in modern printing by a *y* (*ye*), leading to the absurd notion that at some stage of the language "the" was pronounced "ye." A special type for this character would probably be embarrassing to some readers, so the word has been invariably printed "the."

A few clerical errors or peculiarities in the text which seemed to call for some remark, have been noticed on another page.

The text has been taken from contemporary records whenever these were to be had; and where they were lacking, from the most ancient copy, except in cases where a later copy from a lost original gave a full instead of an abbreviated text. The copy followed, and the page of the MS., are indicated on the margin of each page.

A careful description and collation of the various copies is given in the appended Calendar prepared by Mr. J. W. M. Lee, which presents a register of all the MS. records of the Province and State, in the custody of the Historical Society.

In order to do something towards filling the many lamentable gaps in the records, copies have been procured from the Public Record Office, London, of all important uncopied MSS. pertaining to our early colonial history that could be discovered. Such of these as appear in the present volume are distinguished by the marginal sign P. R. O. Mr. W. Noel Sainsbury, of the Public Record Office, has promised to have search made for others. As, doubtless, transcripts of all public documents of import-

ance, and minute accounts of the affairs of the colony, were regularly sent to the Lord Proprietary in England, there is reason to expect that some of these may be recovered. In particular, we are reluctant to abandon all hope of the recovery of the "two chests marked 'Calvert Papers,'" formerly in the custody of the British Museum, but now missing.

While scrupulous fidelity has been observed in reproducing the original text, it has not been thought advisable to reprint each book as it stands. Many of the volumes, especially the earlier, are miscellaneous receptacles of records of every kind; Acts and Proceedings of Assembly being mixed up with Orders and Proceedings in Council, warrants, administrators' accounts, petitions, appeals, grants, &c., &c. It was clearly best to adopt such an arrangement as would bring order into this chaos, and render consultation of the records easy. The plan chosen has been to take up first the Acts and Proceedings of Assembly, as a nearly continuous thread running through the whole, and of these to make this first volume, which begins with the earliest extant record of an Assembly, 1637/8, and comes down to the session of 1664. If it be the pleasure of the Legislature to continue the publication, the Proprietary Records, or the Council Proceedings can be next taken up, then Judicial Records, &c., each set being arranged in order of time, and the whole forming a digested body of our colonial archives, easy of reference, and in the best form for study.

It is at once the duty and the pleasure of the Editor to acknowledge the invaluable assistance of Mr. J. W. M. Lee, of the Maryland Historical Society, without which this publication would hardly have been possible.

W. H. B.

NOTE.

Of the multitude of clerical errors and irregularities which are found in the MSS., and, in conformity with our canon of exact transcription, are reproduced here, by far the greater part are obvious, and need no correction. A few, however, seemed to need some comment, such as is appended below.

Page 3. xpofer martin. "Xpofer" is an old contraction of Christopher, the XP being the initials of the Greek ΧΡΙΣΤΟΣ.

Page 14. Thomas dabbs, should be Thomas Nabbs.

Page 22. vaghan fasting. "Fasting" is unintelligible to the present editor, but it is clearly written in a contemporary hand.

Page 23. The blanks in this and other documents indicate that words have been torn away in the original. The marginal date 1677 was on the original copy in the Public Record Office.

Pages 29, 30. The crosses represent various monograms, ciphers and scrawls, which it would be idle to reproduce in fac-simile.

Page 31. Corus Sigilli. So in original.

Page 36. Mr. Fulk Siliter. That is, Mr. Fulk [Brent voted] "similiter," in the same way.

Page 43. endue, for "induce."

Page 44. will and defend, for "will aid, defend."

Page 47. admircōn, administration.

Page 49. sencured, for "censured."

Page 54, 55. Province of and. Words omitted in original.

Page 89. St. Margaretts. This should, no doubt, be St. Michaels.

Page 94, 95. Arrests, Arrts. for "accidents."

Page 113. 1640. Error of transcriber of M. C. for 1648.

Page 174. Presidents, for "precedents"; a common spelling of the time.

Page 178. and proxies. Words missing in text.

Page 178. usq. and, for "usque ad."

Page 181. Fording, for "Ordering." See title of act.

Page 185. Words in brackets supplied from a later copy, except those in Act 23, which are so in original.

Page 201. 28 March 1642. Should be 1643, the year (O. S.) beginning on March 25th.

Page 223. Saugher, for Saphyer.

Page 242. haut often said. So in MS.

Page 243. verily him. "Believe," "regard," or some equivalent omitted.

- Page 261. Sabbath. Here correctly used for Saturday.
- Page 267, 270. The gaps are in original.
- Page 291. pills, for "perils."
- Page 361. Laborious Toolles. Probably "laborers' tools."
- Page 375. three pounds, should be "three hundred pounds."
- Page 386-7. The gaps show where the margin is torn away.
- Page 400. Naijssone, perhaps should have been printed "Nayssone" as on p. 407, as this copyist sometimes puts two dots over his y's.
- Page 496. Here, and in several of these acts, "Lords Proprietors" occurs in the copy received from the Public Record Office, London.
- Page 501. appent, for "apparent."
- Page 502. Com^em^t, "commencement."
- Page 527. The transposition of 1 and 2 occurs in the original.
- Page 534. Wiccoconu. Probably "Wicomico," but so in P. R. O. copy.
- Page 538. With a tamett. What manner of thing a tamett may be, the present editor has in vain tried to discover. Possibly it should be "garrett"; but it is unmistakably "tamett" in P. R. O. copy.
- Page 540. Six thousand thousand. So in P. R. O. copy.

PROCEEDINGS AND ACTS
OF THE
GENERAL ASSEMBLY
OF MARYLAND,

At a session held at St. Mary's, January 25 to March 24, 1637/8.

CECILIUS CALVERT, LORD BALTIMORE,
Proprietary.

LEONARD CALVERT,
Governor.

WARR^t TO CAP^t: EVELIN;
TOUCHING THE GENERALL ASSEMBLY.

Liber Z
P. 4

After my hearty Commendāons &c whereas my deare brother the Lord Propriet^r of this Province, hath by his Commission to me directed in that behalfe bearing date at London in the Realme of England, the 15th day of Aprill 1637. appointed a grāll assembly of all the freemen of this Province to be held at his town of S^t maries on the five and twentieth day of January next These are therefore in his Lo^{ps} name to will and require you (all excuses sett apart) to make your psonall repaire to the ffort of S^t maries on the said five and twentieth day of January, then and there to consult and advise of the affaires of this Province. And further to will and require you at some convenient time when you shall thinke fitt within 6 daies after the receipt hereof at the furthest, to assemble all the freemen inhabiting within any part of yo^r iurisdiction: and then and there to publish and proclaime the said generall Assembly; and to endeavour to perswade such and so many of the said freemen as you shall thinke fitt to repair psonally to the said assembly at the time & place prefixed; and to give free power & liberty to all the rest of the said freemen either to be pñt at the said assembly if they so please; or otherwise to elect and nominate such and so many persons as they or the maior part of them so assembled shall agree vpon to be the deputies or burgesses for the said freemen, in their name and steed to advise and consult of such things as shalbe brought into deliberation in the said assembly; and to enter all the severall votes or suffrages vpon record; and the record thereof and of whatsoever you shall doe in any the premises to bring along with you; and exhibite it at the day and place prefixed to the Secretary of the Province for the time being. And for so doing this shalbe yo^r warr^t Given at S^t maries this 30th day of January 1637

Liber Z
p. 15

THE GENERALL ASSEMBLY HELD AT
S^t MARIES, AND BEGAN ON THE 25TH
DAY OF JANUARY 1637

The Acts of the first day

The Leiuten^t gräll taking his place, came and appeared personally

Capt^t: Thomas Cornwaleys Esq, one of the Counsell of this Province

Capt: Robert wintour Esq: one of the Counsell of this Province

m^r John Lewger gent; Secretary, and one of the Counsell of this Province

Capt: Robert Evelin, gent, Commander of the Ile of Kent

m^r Thomas Greene, gent

m^r William Bretton, gent

Capt: Henry ffleete, gent

m^r Rob^t Philpott, one of the Counsell of the Ile of Kent, gent

m^r. william Brainthwaite, gent

m^r John Wyatt, gent

m^r Rob^t Clerke, gent

Richard Garnett senior, of Mattapanient, planter

Justinian Snow of S^t. Maries hundred, planter

Marmaduke Snow of S^t. maries hundred planter

ffrancis Rabnett of the same hundred planter

Serg^t Rob^t Vaughan, highe Constable of S^t George's hundred

James Baldridge Sheriff of S^t maries county

ffrancis Gray of S^t maries hundred, carpenter

James Cauther of S^t maries hundred, planter

william Lewis of S^t maries hundred, planter

Thomas ffrancklin of S^t maries hundred, planter

Thomas Nabbs of S^t Georges hundred, planter.

Serg^t Thomas Baldridge, of S^t maries hundred, planter

Edward ffleete of S^t maries hundred planter

Robert Perry marshall

John Price of S^t maries hundred planter.

Thomas Morrison of S^t Georges hundred, planter.

Thomas Stent of S^t Georges hundred, planter

After, were summoned to appeare by vertue of writts to them directed;

m^r Thomas Copley Esq; of S^t maries hundred.

m ^r Andrew white	}	gent: of the Robert Clerke gent same hundred. appeared for them & excused their absence by reason of sickness.
m ^r John Altham		

Joseph Edlow	} of Mattapanient, planters.	
Annum Benum		
Nicholas Hervey		the Leiuten ^t gräll exhibited his proxie
william Broughe		for them severa[lly]
Randoll Revell, of S ^t Georges hundred		The Leiuten ^t gräll p. 16
cooper.		exhibited his proxie
		for him.

The freemen of the Ile of Kent. m^t Rob^t Philpott aforesaid,
exhibited his proxie for
them.

Roger Moy of S ^t Georges hundred	} Planters.	Serg ^t Rob-
John Wortly; of S ^t Georges hundred		ert Vaughan
Rob ^t Nicholls; of S ^t maries hundred		aforesaid; ex-
		hibited his
		proxie for
		them sever-
		ally.

James Courtney	} of S ^t George's	Captaine Rob ^t Ev-
Davie wickliff		elin, exhibited
Ralphe Beane		his proxie for
Thomas Charington		them severally.

Henry Lee of S ^t Georges hundred, planter.	} John Lewger	
John Norton of S ^t maries hundred, planter.		Secretary, ex-
		hibited his
		proxie for them
		severally.

John Halfe-head, of S ^t maries hundred, brickmason	Justinian
	Snow ex-
	hibited
	hisproxie
	for him.

Robert wiseman	} of S ^t marie's hundred,	William Lewis ex-	
Davie Odcroft			hibited his proxie
William Edwine			for them severally.
Henry James			
John Smithson			
John Hilliard	} of S ^t marie's hundred	ffrancis Rabnett exhib-	
xpofer martin			ited his proxie for
Robert Smith			them.

Thomas Pasmore, of S ^t Maries hundred, carpent ^r .	James Cau-
	ther exhib-
	ited his
	proxie for
	him.

Liber Z John Medley, of St. maries hundred, planter. Capt: Thomas Cornwaleys exhibited his proxie for him.

Henry Bishopp }
John Bryant } of Mattapanient, planters
Richard Lusthead } Richard Garnett Senior exhibited his proxie for them severally.

Nathaniel Pope of St. maries hundred }
Henry weed, of St. marie's hundred } but they
John Medcalfe of St. Marie's hundred } made not
John Courtis of St. George's hundred } planters appearance nor
John Davis of St. marie's hundred } proxies.
John Richardson of St. George's hundred }
Thomas Hebden of St. George's hundred }

Then was proclaymed, that all freemen omitted in the writts of summons, that would clayme a voyce in this gräll assembly, should come & make their clayme.

Wherevpon clayme was made by
John Robinson, carpent^r & was admitted.

Then were certaine orders established by generall consent, to be observed during the Assembly. viz

Orders. Imp^rmis, the Lieuten^t gräll (as President of the Assembly, shall appoint and direct all things that concerne forme and decency to be observed in the same; and shall command the observance thereof as he shall see cause vpon paine of imprisonm^t or fine as the house shall adiudge.

p. 17 Item every one that is to speake to any matter, shall stand vp, and be vncovered and direct his speech to the Lieuten^t gräll as President of the Assembly. And if two or more stand vp to speake together, the Lieuten^t gräll shall appoint wh^c shall speake

Item no man shall stand vp to speake to any matter vntill the partie that spake last before, have sate downe, nor shall any one speake above once to one bill or matter at one reading nor shall refute the speech of any other with any vncivill or contentious termes, nor shall name him but by some circumloquution. And if any one offend to the contrary, the Lieuten^t gräll shall command him to silence

Item the house shall sitt every day at eight of the clock in the morning, and at two of the clock in the afternoone.

Item the freemen assembled at any time to any number above ten persons, at the houres aforesaid, or within one houre after, shalbe a house to all purposes.

Item every one propounding any matter to the house shall digest it first into writing and deliver it to the Secretary to be read vnto the house Liber Z

And it was ordered by the house that these Orders should be sett vp in some publique place of the house, to the end all men might take notice of them.

Act of the second day; being 26th January
Betweene the houres of eight and nine in the morning

Assembled

The Leiuetent gräll	John Lewger	Robert Philpott
Cap ^t : Tho: Corn-	Thomas Greene	william Brainthwaite
waleys	John wyatt	Richard Garnett
Cap ^t : Rob ^t : wintour	Robert Clerke	Justinian Snow
Cap ^t : Geo: Evelin	Thomas ffrancklin	marmaduke Snow
ffrancis Rabnett	James Baldrige	Robert Perry
John Robinson	Edward ffleete	Serg ^t : vaghan
william Lewis		

Summoned

Thomas Hebden.	and Capt: Tho: Cornwaleys exhibited his proxie for him
John Richardson	and Capt: Rob ^t : Evelin exhibited his proxie for him
m ^r : Thomas Copley	} and Rob ^t : Clerke made answere for them that they desired to be excused fro ^m giving voices in this Assembly, and was admitted.
m ^r : Andrew white	
m ^r : John Altham	
John Price	
Nathaniel Pope	and ffrancis Rabnett exhibited his proxie for him
	and John Lewger Secretary exhibited his proxie for him
John medcalfe	and william Lewis exhibited his proxie for him

Summoned

Thomas Morrison	m ^r : Bretton	} amerced for not appearance
Henry Weed	Cap ^t : ffleete	
John Courtis	James Cauther	
Thomas Nabbs	Thomas Stente	
John Davies	Thomas Baldrige	
	ffrancis Gray.	John Robinson desired in his behalfe that his proxie might be expected till the afternoone, and was admitted

Liber Z Then came Edward Bateman of S^t maries hundred, ship carpenter & claymed a voyce as freeman; and made m^r John Lewger Secretary his proxie.

Likewise claymed Roger Oliver mariner; & made m^r william Brainthwaite gent his proxie.

Likewise claymed Zachary Mottershead gent; and was admitted to a voice in the house.

Came John Langford of the Ile of Kent gent, highe Constable of the said Iland, who had given a voice in the choice of Robert Philpott gent to be one of the Burgesses for the freemen of that Iland; and desired to revoke his voice and to be personally pnt in the Assembly; and was admitted.

Then it was ordered that any member of the house not appearing at the houres appointed, should be amerced 20^t of tobacco for every such default. But for this present meeting, such as did appeare thoughe tardie should be pardoned the amercem^t but for the rest w^{ch} appeared not it should stand.

Then was read out of the draught of Lawes transmitted by the Lord Proprietor, the twelve first Acts of the said draught: and were severally debated by the house.

Betweene the houres of two and three in the afternoone of the same day.

Assembled

The Lieuten ^t generall.	John Wyatt	Richard Garnett
Cap ^t Tho: Cornwaleys	Rob ^t Clerke	Robert Perry
Cap ^t Rob ^t wintour	Justinian Snow	Serg ^t Vaughan
Cap ^t George Evelin	Marmaduke Snow	Zachary Motters-
m ^r John Lewger Sec-	ffrancis Rabnett	head
retary	Thomas Nabbs	william Lewis
m ^r Thomas Greene	James Baldrige	
m ^r william Bretton	Edward ffleete	
m ^r Philpott		
m ^r Langford		

Summoned

p. 19 John Robinson. and Justinian Snow exhibited his proxie for him

William Brainthwaite } and the Leiuten^t grall exhibited his
Roger Oliver, mariner } proxie for them severally.

John Davis } and ffrancis Rabnett exhibited his proxie for
Thomas Stente } them severally.

Thomas ffrancklin. and Edward ffleete exhibited his proxie for him.

ffrancis Gray. and Justinian Snow exhibited his proxie for him. Liber Z
Thomas Baldrige. and James Baldrige exhibited his proxie
for him.

James Cauther. amerced for not^a appearance.

Thomas Boys of St^a maries hundred mariner claymed a voice
as freeman; and made his proxie ffrancis Rabnett, and was
admitted.

Thomas Morrison } and it was answered for them, that they
John Courtis } could not come, for want of passage over
Capt: ffleete } St^a Georges river. & was admitted

Henry Weed. and it was answered for him that he was
absent out of the Province in Virginia. and
his amercem^t was remitted.

Likewise the amercem^t was remitted to william Bretton,
Thomas Nabbs, John Davis; for the same reason; as the first.

Likewise vpon petition made by Thomas Stente, and Thomas
Baldrige, alledging the necessity of important businesse, the
amercem^t was remitted for non appearance in the morning.

Then were the Acts read throughe, & severally debated in
the reading. And the Lieutenant grall adiornd the house
vntill Monday morning at 8 of the clock.

Acts of the third day; being 29th January
1637.

betweene the houres of 9 and 10 in the morning.

Assembled.

The President	Justinian Snow
Capt: Cornwaleys	ffrancis Rabnett
Capt: Geo: Evelin	James Baldrige
m ^r Lewger Secretary	Edward ffleete
m ^r Thomas Greene	
m ^r Clerke	
Serg ^t Vaughan	
Capt. Henry ffleete	

Summoned

Capt: Rob ^t wintour	} amerced
william Lewis	
Thomas Maurice	
Richard Garnett	
m ^r Philpott	
m ^r Langford	

Liber Z Marmaduke Snow: and his
brother essoyned for him & was
admitted

m ^r william Bretton	}	and Capt: ffleete exhibited his pxies for them severally
John Courtis		
Thomas Nabbs		
mr ^r John wyatt		and m ^r Clerke exhibited his pxie for him.
Zachary Mottershead		and Capt: Cornwaleys exhibited his proxie for him.
Robert Perry		and mr ^r Lewger exhibited his proxie for him.

vpon occasion of some warrants granted out against some
freemen that had made proxies; a question was moved in the
house whether freemen having made proxies during the assem-
bly might be arrested before the Assembly were dissolved.
And Captaine Cornwaleys and James Baldridge were of
opinion that they might: but the rest of the house generally
concurred that after the writts issued for summoning the
Assembly, no man having right to repaire vnto the Assembly,
might be arrested, vntill a convenient space of time after the
dissolution of the said Assembly, for his repaire home.

Came into the house Edmond Parrie of the Ile of Kent
planter, and desired to revoke his proxie given to m^r Philpott;
and was admitted to a place and voice personally.

John ffleete of St Georges hundred planter claymed voice &
place as a freeman: & was admitted. and made his proxie
Cap^t Henry ffleete.

Then was proposed whether the Lawes formerly read should
be read againe in the house; or putt to the vote without
further reading.

Capt: Cornwaleys gave his opinion that they should expect
a more frequent house

Capt: ffleete gave his opinion, that they should be read
againe.

with them concurred	{ m ^r Clerke	}	being in all, 18 voices: w th their proxies.
	Serg ^t Vaughan		
	Edward ffleete		
	Edmond Parrie		

on the contrary, that they should be putt to the vote im-
mediately, agreed by

The President	}	being in all 33 voices.	Liber Z
Capt ^t Evelin			
m ^r Lewger			
m ^r Greene			
m ^r Snow			
ffrancis Rabnett			
James Baldridge	}		

Then were the Lawes putt to the question, whether they should be received as Lawes or no affirmed by

The President	}	being 14 voices.
m ^r Lewger		

denied by all the rest of the Assembly; being 37 voices.

Then question being moved what Lawes the Province p. 21 should be governed by it was said by some that they might doe well to agree vpon some lawes till we could heare from England againe. The President denying any such power to be in the house, Capt: Cornwallers propounded the lawes of England. The President acknowledged that the Commission gave him power in civill causes to proceed by the lawes of England; and in crimall causes likewise not extending to life or member. but in those he was limited to the lawes of the Province, there could be no punishm^t inflicted on any enormous offenders, by the refusall of these lawes.

wherevpon the Commission was produced and examined, & vpon the reading of it it appeared that there was no power in the province to punish any offence deserving losse of life or member, for want of lawes. To this they answered, that such enormous offences could hardly be committed without mutinie & then it might be punished by martiall law.

Betweene the houres of two and three in the afternoone of the same day.

Assembled.

The President	Serg ^t Vaughan	Edmond Parrie
Capt: Cornwallis	James Baldridge	Justinian Snow
Capt: Evelin	Capt: ffleete	m ^r Clerke
m ^r Lewger	ffrancis Rabnett	Edward ffleete
m ^r Greene	m ^r Philpott	
Richard Garnett	m ^r Langford	

Summoned.

Capta: Wintour and it was answered that he was sick & could not pass the river; & was admitted

Liber Z Marmaduke Snow essoyned by his brother, & admitted.
 Thomas maurice excused himselfe that he could not gett
 passage, & desired to be remitted all
 the former ameriaments, & was ad-
 mitted.

James Cauther }
 william Lewis } amerced.

Then was propounded that the house would consider of some lawes to be sent vp to the Lord Propriet^r. And the President advised that they would chuse some Committees to prepare the draught of them, and then the house might meete for confirming of them; & in the meane time every one might follow their other occasions.

So being putt to the vote how many Committees should be appointed for that purpose, they agreed that five should be chosen. Then was it putt to every one to name his five. And there were tenne in election.

p. 22		whereof		voices		
	The President	}	had	}		
	Capt: Cornwallis				38	voices
	Capt: wintour				54	
	Capt: Evelin				45	
	m ^r Lewger				48	
	m ^r Greene				22	
	Capt: ffleete				17	
	m ^r Snow				08	
	m ^r Clerke				31	
	m ^r Baldridge				07	
			08			

So the 5 Committees were { The President
 Capt: Cornwaleys
 Capt: wintour
 Capt: Evelin
 m^r Snow

And because Capt: wintour was absent and sick, it was agreed that if he could not assist at the Committee himselfe he should name any other in his place.

Then was it considered for how long to adiorne the house. And it was thought fitt to adiorne it till the 8th of ffebruary following at 8 of the clock in the morning:

And because the Court was to be held in the meane time that is to say, on the 3^d of ffebruary; that therefore the privilege of parlam^t should be void vntill the Court were past; & all freemen might be arrested as if no assembly were.

And so the house brake vp.

Acts of the fourth day, being 8th february
1637.

Liber 2
p. 27

betweene the houres of 9 and 10 in the morning.

Assembled

President	robert vaughan	John Langford
m ^r . Hawley	James Baldridge	Rob ^t . Clerke
Capt. Cornwaleys	francis Rabnett	Edward ffleete
Capt. wintour	Justinian Snow	James Cauther
Capt. Evelin	Thomas maurice	m ^r . Greene
m ^r . Lewger Secretary	Thomas Philpott	william Lewis
Henry ffleete		

Summoned

Richard Garnett. and Rob^t. Clerke exhibited his proxie for him.

marmaduke Snow and Justinian his brother exhibited his proxie for him.

Edmond Parry amerced

Richard Lustheed, desired to revoke his proxie; and was admitted and made Rob^t. Clerke his proxie.

The Committee reported to the house that they thought fitt to read the former draught of lawes againe, and to putt them to the vote the second time, in regard there was found a great deale of misvnderstanding of them among the freemen w^{ch} made them to refuse them.

And it being putt to the vote of the house whether they should be read againe or no it was affirmed by 48 voices, and denied by 21 voices.

There was an order made by generall consent of the house that all bills propounded to the house for lawes, should be read 3 times on 3 severall daies afore they should be putt to the vote.

Then were the draught of lawes read throughe the second time.

And twenty bills propounded by the Committee were read the first time:

Cap^t. Cornwaleys desired it might be putt to the vote of the house, whether these Lawes at the third reading should be voted severally, or the whole body of them together. And that they should be voted altogether was affirmed by thirty two voices, denied by 37.

In the afternoone of the same day, betweene
th'oures of two and three.

assembled

President	rob ^t . vaughan	John Robinson
M ^r . Hawley	James baldridge	Rob ^t . Clerke

Liber Z	Capt: Cornwaleys	francis Gray	Edward ffleete
	Capt: wintour	francis Rabnett	James Cauther
	m ^r Lewger Secretary	Justinian Snow	Andrew Chappell
	Capt: Evelin	Thomas morris	Cyprian Throughgood
	william Lewis	Rob ^t Philpott	Anthony Cotton
	Capt: ffleete	John Langford	John Halfehead

p. 28

Summoned

Edmond Parrie amerced

m^r Greene and Capt: Cornwaleys exhibited his proxie for him.

Then came ffrancis Gray, John Robinson, and John Halfehead, and revoked their pxies to Justinian Snow; and appeared psonally.

Anthony Cotton	} came & claymed voices as freemen, & were admitted.
Andrew Chappell	
Cyprian Throughgood	

The house being sate, the President declared that he thought it fitting to adiorne the house for a longer time; till the lawes w^{ch} they would propound to the Lord Propriet^r were made ready, w^{ch} some would take a care of, & in the meantime the company might attend their other businesses &c.

Capt: Cornwaleys replied they could not spend their time in any businesse better then in this for the countries good; and one of the planters demanded the reason why it should be adiornd, & said they were willing to leave their other businesse to attend it. The President replied he would be accomptable to no man for his adorning of it.

Then Capt. Cornwaleys moved that at least a Committee might be appointed that should take charge of preparing the Lawes till the house mett againe. And being putt to the house, they agreed that three Committees should be appointed; then every one nominating severally his 3 Committees; the President had 46 voices, Capt: Cornwaleys had 56 voices; Capt: Evelin 44 voices; m^r Lewger 31 voices m^r Snow had 5 voices; and Captaine ffleete 4 voices.

Then was it ordered that priviledge of parlam^t men for their persons should not be allowed till the next meeting of the Assembly.

Then the President adiornd the house till the 26th of ffebruary.

p. 35

To all people to whom these pñts shall come I Leonard Calvert Esq Lieutenant gräll of the Province of maryland, send healthe in o^r Lord God Everlasting. whereas this pñt

generall Assembly begonne on the 25th day of January last Liber Z
 past, and by severall adiornments continued vntill the eighthth
 day of this instant moneth of ffebruary, was then adiorned
 vntill the 26th of this instant moneth; now designing at this
 pnt to make an expedition in person vnto the Ile of Kent, and
 doubting lest some accident might hinder my returne to S^t
 maries afore the said day, whereby the Assembly would of it
 selfe be dissolved for want of power to assemble; Know ye
 therefore that in case of such my absence I have authorised
 and deputed, and doe hereby appoint authorise and depute
 m^r John Lewger Secretary in my name and place to hold and
 continue the said Assembly at the day appointed, and to
 give voice for me to all and onely such things as he shall
 thinke fitt, also to adiorne or dissolve the said Assembly as
 he shall see cause, and to doe and performe all other things
 belonging to the said Assembly as amply to all intents and
 purposes as I my selfe might doe if I were personally present.
 Leonard Calvert.

Acts of the fifth day being the 26th ffebr. 1637. p. 36
 betweene the houres of 8 and 9.

Assembled

m ^r John Lewger Secretary	Thomas Hebden.
Cap ^t : Rob ^t wintour	xpofer martin
Edward Bateman.	John Price
John Halfehead	John Richardson
Rob ^t Perrie	John Hill

Summoned

m^r Thomas Greene
 Nathaniel Pope

John Hill came and claymed a voice as freeman, and was
 admitted.

ordered and agreed that priviledge of Parlam^t should be
 suspended till the next meeting.

and the house was adiorned till the fifth of march next.

Acts of Assembly on the 5th March p. 40
 1637.

betweene the houres of 8 and 9 in the morning.

Assembled

m ^r Secretary	ffrancis Gray	Zachary mottershead.
m ^r Greene	Rob ^t Perry	
m ^r Sheriff	nathaniel Pope	
xpofer martin	Thomas Baldridge	
John Hillierd	Edward Bateman	

Liber Z and m^r Secretary adiorned the house till the 12th of march following.

And the house ordered that priviledge of Parlam^t should be suspended till the next meeting.

Acts of Assembly the twelfth of march 1637.
betweene the houres of 9 and 10 in the morning.

Assembled

The President	John wyatt	John Robinson
Capt: Cornwaleys	marmaduke Snow	John Price
Capt: wintour	Thomas Nabbs	John Halfehide
m ^r Secretary	Anthony Cotton	Rob ^t Smith
m ^r Greene	ffrancis Gray	John Medley
m ^r Sheriff	Rainold ffleete	Isaac Edwards
Edward ffleete	ffrancis Rabnett	John Courtis
John Smithson		william Lewis

Summoned

Andrew Chappell	Rob ^t vaughan	James Cauther
Cyprian Throughgood	william Lewis	ffrancis Rabnett
Rob ^t Clerke	and John wyatt exhibited his proxie for him.	

the 20 Bills formerly read, were read againe the second time and priviledge of Parlam^t was affirmed.

p. 41 Acts of Assembly on the 13th of march 1637.
betweene the houres of 9 and 10 in the morning.

Assembled

The President	James Cauther	m ^r Sheriff
Capt: Cornwaleys	Anthony Cotton	John wyatt
Capt: wintour	Rob ^t vaughan	Zachary mottershead
m ^r Secretary	Edward ffleete	ffrancis Rabnett
Cyprian Throughgood	william Lewis	marmaduke Snow
Cutbert ffenwick	Rainold ffleete	m ^r Greene

Summoned

James Courtney	} and Rob ^t vaughan exhibited his proxie for them.
David Wickliff	
Ralphe Beane	
Andrew Chappell	
ffrancis Gray	} and Capt Cornwaleys exhibited his proxie for them.
John Robinson	
John Courtis	
Thomas dabbs	

m^r Thomas Greene appeared
 ffrancis Rabnett appeared
 John Halfehide appeared
 Isaac Edwards appeared
 Thomas maurice appeared

Liber Z

Cutbert ffenwick claymed a voice as freeman and was admitted.

Then were read the first time fourteene Bills, that is to say

- 1 ordering the paym^t of tobaccos
- 2 for services to be p^rformed for mannors and freeholds
- 3 for assurance of titles
- 4 for the liberties of the people
- 5 for swearing allegiance to o^r Soveraigne Lord the King.
- 6 for descending of land
- 7 for succession to the goods of the deceased intestate
- 8 for publique Ports
- 9 touching gr^all Assemblies
- 10 for the Probate of wills
- 11 for civill causes
- 12 for payment of debts contracted out of the Province.
- 13 for limiting the times of service
- 14 for punishm^t of ill servants.

Acts of Assembly on the 14th march 1637.
 between the houres of 8 and 9 in the morning

p. 42

Assembled

The President	Zachary motters-	william Lewis
Capt: Cornwaleys	head	Isaac Edwards
m ^r Secretary	Cutbert ffenwick	James Cauther
m ^r Greene	m ^r Sheriff	Thomas maurice
John wyatt	Rainold ffleete	Edward ffleete
Cyprian Through-	ffrancis Rabnett	xpofer Thomas
good	John Halfehide	Richard Loe
Serg ^t vaughan		

Summoned

Anthony Cotton; and amerced
 marmaduke Snow; & ffrancis Rabnett exhibited his proxie
 for him.

then came xpofer Thomas of the Ile of Kent & claymed
 voice as a freeman & was admitted.

likewise claymed Richard Loe, and was admitted

Then were read the second time the fourteene former Bills

Liber Z Then were read the first time; three Bills, that is to say
 2 for criminall causes
 2 for attainer of william Cleyborne gent:
 2 for corne measures.

p. 45 Acts of Assembly on the 14th of march, 1637.
 betweene the houres of 2 and 3 in the afternoone

The President	Zachary motters-	Edward ffleete
Capt. Cornwaleys	head	Thomas ffrancklin
m ^r Secretary	Robert Percy	william Lewis
m ^r Greene	Cutbert ffenwick	Serg ^t vaughan
John wyatt	Rainold ffleete	ffrancis Rabnett
James Cauther	Thomas maurice	John Halfehide
xpofer thomas	Richard Loe	Cyprian Through-
John nevill	Anthony Cotton	good
	Isaac Edwards	

m^r Greene amerced for tardie appearing & John wyatt and Cyprian Throughgood. John Nevill claymed voice as freeman & was admitted. Then was Thomas Smith called to the barre being indicted of pyracie and m^r Secretary made himself Attorney for the Lord Propriet^r and read his Lo^{ps} warrant in that behalfe. then did the the Attorney putt in the Indictment and arraigned

demandd that the prisoner might be *brought to triall* vpon his indictm^t. And the Indictment being read, he pleaded, not guilty. Then did the Attorney informe the house vpon the Indictment, & produced the depositions of John Jarbison and Arthur Brooks; and the prisoner pleaded all he had to say in his defence, & the Attorney replied to it. and when the prisoner had no more to alledge for himselfe, he was demanded whether he would challenge any in the house that were to passe vpon him and he challenged none. Then they gave their votes: and he was found guilty by not guilty

Richard Loe by John Halfehide.

Robert Perry

Thomas francklin

francis rabnett

Edward ffleete m^r Greene

James Cauther Cyprian Throughgood

John nevill John wyatt

anthony Cotton

Thomas maurice

Rainold ffleete

Isaac Edwards

{ gave no vote
 either way be-
 cause they
 were not pnt
 at all the evidence.

williā Lewis
Zachary mottershead
Serg^t vaughan
xpofer Thomas
Cutbert ffenwick
Thos: Cornwaleys
the President

Liber Z

Then was sentence pronounced by the President in the name of all the ffreemen; in these words: Thomas Smith you have been indicted of felonie and pyracie, to your indictm^t you have pleaded not guilty, and you have beene tried by the ffreemen in this generall Assembly, who have found you guilty, and pronounce this sentence vpon you, that you shalbe carried from hence to the place from whence you came, and thence to the place of exequution, and shalbe there hanged by the neck till you be dead; and that all your lands goods & chattels shalbe forfeited to the Lord Propriet^r, saving that your wife shall have her dower, And so God have mercy vpon your soule.

The iudgem^t affirmed, and approved by speciall consent by p. 46
word of mouth

by

Capt. Cornwaleys	Anthony Cotton
Cutbert ffenwick	John nevell
xpofer Thomas	James Cauther
Serg ^t vaughan	Edward ffleete
Zachary mottershead	francis rabnett
william Lewis	thomas franclin
Isaac Edwards	robert percy
Reinold ffleete	Richard Loe
Thomas morris	

Then did the prisoner demand his clergy; but it was answered by the President that clergy could not be allowed in this crime, and if it might, yet now it was demanded too late after iudgement.

then departed out of the house Capt: Cornwaleys, Cutbert ffenwick, william Lewis, John nevell, Anthony Cotton, Edward ffleete, and Cyprian Throughgood.

then was the house moved by the Attorney to enquire of the death of william Ashmore, Ratcliffe warren, John Bellson, & william dawson, and the house having heard the evidence of Cyprian Throughgood, John nevell, Cutbert ffenwick & Edward ffleete did find that the said Ratcliff warren, John Bellson, william dawson with divers others did assault the vessells of Capt. Thomas Cornwaleys & his company feloniously and as

Liber Z pyrates & robbers to take the said vessells; and did discharge divers peices charged wth bulletts & shott against the said Thomas Cornwaleys & his company; wherevpon & after such assault made the said Thomas Cornwaleys and his company in defence of themselves & safegard of their lives not being able to flie further from them after warning given to the assailants to desist from assaulting them at their owne perill, did discharge some gunnes vpon the said Ratcliffe warren and his company; of w^{ch} shotts the said Ratcliff warren John Bellson, and william dawson died; and so they find that the said Tho: Cornwaleys & his company did lawfully & in their owne necessary defence kill the said Ratcliff warren John Bellson and william dawson; and doe acquitt the said Thomas Cornwaleys & his company of the death of the said Ratcliff warren John Bellson and william dawson.

P. 47 and they further find that the said Ratcliff warren, and his company did discharge their gunnes against the said Thomas Cornwaleys and his company and did kill the said william Ashmore being one of the company of the said Thomas Cornwaleys; as felons pyrates, and murders.

Acts of Assembly the 15th march 1637.
betweene the houres of 9. and 10. in the morning.

Assembled.

the Presid ^t	Cyprian Throughgood.	James Cauther
Cap ^t . Cornwaleys	John wyatt	Edward ffleete
m ^r . Secretary	Serg ^t . vaghan	ffrancis Rabnett
m ^r . Greene	Reinold ffleete	william Lewis
Rob ^t . Clerk	Cutbert ffenwick	xpofr thomas
m ^r . Sheriff	Anthony Cotton	Isaac Edwards

Summoned.

Cap^t. wint^r amerced.

John Nevill

Richard Loe. and made proxie Capt. Cornwaleys.

John halfehide. and made proxie Capt. Cornwaleys.

Then were read the 2nd time the 3. former bills, for criminall causes, measures and attainder of William Cleyborne.

Then was read the first time 1. bill confirming the sentence against Thomas Smith.

Act of Assembly the same day
betweene the houres of 2. and 3. in the afternoone

Assembled.

the Presid ^t	John wyatt	Anthony Cotten
Capt. Cornwaleys	Cutbert ffenwick	ffrancis Rabnett

Liber Z	Then was read the third time: the Bill for dividing of the Province; and passed. for bounding of mannors. and passed: for assigning of mannors. and passed: for the order to be observed in assigning of manno ^{rs} and passed. for the peopling of mannors. and passed for supporting of mannors. and passed for settling of the glebe. and passed against the aliening of mannors. passed	} by grāll consent not one vote dis- senting
p. 49	for Baronies. passed. for assigning of freeholds passed. for meinteining the Lord Proprieto ^{rs} passed. for the demesnes of the Lo. Propriet ^r passed. for building of the towne. passed. for erecting of a ffort. passed for planting of corne. passed. for restraint of liquors. passed for military discipline. passed	

Acts of Assembly; the same day
betweene the houres of 2 and 3 in the afternoone

	Assembled	
the President	Edward ffleete	Rob ^t Percy
Capt: Cornwaleys	Serg ^t vaughan	ffrancis Rabnett
m ^r Secretary	John wyatt	Rob ^t Clerk
m ^r Greene	Reinold ffleete	william Lewis
m ^r Sheriff	Anthony Cotton	
m ^r Thompson	Isaac Edwards	
Capt: wintour.	} amerced	
John nevell.		

Then was read the third time the Bill
ordering the paym^t of tobaccos. passed.
for services to be pformed for manno^{rs} and freeholds.
passed.
for assurance of titles to land. passed
for the liberties of the people. passed
for swearing allegiance to o^r Sovereigne &c. passed
for descending of land. passed
for succession to the goods of the deceased intestate.
passed
for publique ports. passed

touching generall Assemblies	passed	Liber Z
for the Probate of wills.	passed	p. 50
for civill causes.	passed	
for paym ^t of debts contracted out of the Province.	passed	
for limiting the time of service; suspended till next day		
for punishm ^t of ill servants.	passed	
for the attainder of w ^m Cleyborne.	passed	

Acts of Assembly 17th march 1637.
betweene the houres of 8 and 9 in the morning

Assembled

Presid ^t	Rob ^t Clerk	Edward ffleete
Capt. Cornwaleys	John wyatt	Reinold ffleete
m ^t Secretary	william Lewis	Serg ^t Vaughan
m ^t Greene	ffrancis Rabnett	m ^t Thompson
m ^t Sheriff		James Cauther
		Anthony Cotton

Cap^t wintour; Anthony Cotton

Then was read the third time the Bill
for limiting the times of service. passed
for criminall causes. suspended till monday
for corne measures. passed
confirming the sentence ags^t Thomas Smith. passed
for fees. passed
for paym^t of forfeitures. passed

Then was read the second time the Bill for supportaōn of
the Lo: Propriet^r

then vpon a question moved touching the resting of ser-
vants on Satturdaies in the afternoone, it was declared by the
house that no such custome was to be allowed.

Acts of Assembly on the 19th march 1637.
betweene the houres of 9. and 10. in the morning

Assembled

the President	Robert vaughan	Reinold ffleete
Cap ^t Cornwaleys	william Lewis	Anthony Cotton
m ^t Secretary	francis Rabnett	Cutbert ffenwick
Capt: Evelin	Edward ffleete	John Robinson
william Broughe	John wyatt	francis Gray
Rob ^t Clerke	John halfehide	Richard Loe
m ^t Sheriff		

Liber Z Isaac Edwards made proxie Capt: Cornwaleys, & was denied
m^r Greene made proxie, Capt: Cornwaleys & was denied

then was read the third time the Act for Treason; & passed
for capitall felonies passed

{ negat to one part of it.
Capt:
Clerk
wyatt
ffenwick
Loe

allowing clergy to some capitall felonies. passed
for arbitrary punishm^t of some enormous
offences —passed

for punishm^t of certaine crimes in the County } passed
Court

for punishm^t of lesser crimes; passed

denied by { sheriff
vaughan fasting
broughe
Rein. ffleete
Edw. ffleete
Robinson
halfehide
Loe
Gray

for support of the Lo: Propriet^r; passed

was denied by { capta: Corwa.
Clerk wiatt
ffenwick

a questione being moved in the criminall lawes whether the
Jury was to assesse the fine to the Lord, as well as the recom-
pense to the ptie it was declared that the Court or Judge
should impose the fine; and the Jury could assesse the recom-
pence to the partie.

and the house was adiornd till Saturday morning: being
the 24th of march following.

Acts of Assembly on the 24th of March

Assembled

the President	william Lewis	John Robinson	
Capt. Cornwaleys	ffrancis Rabnett	Thomas hebden	
m ^r Secretary	John wyatt	Henry Crawly	of
Robert Clerk	John halfehide	the Ile of Kent	
m ^r Sheriff	francis Gray	Thomas bradnock	burgesses
Thomas franclin	Anthony Cotton	Edward Beckler	of the said
			Ile

In the morning one part, and in the afternoone the residue of the Lawes as they were faire ingrossed were read in the house; and after the reading of them; the Governor signed them, & so did the rest of the house: And so the house dissolved.

Liber Z
P. 52

Saint Maries—In the house of Generall Assembly on the 24th March anno Domini 1637. was read the fourth time, a Bill of the Tenor and effect following viz:

P. R. O.
Col. Papers
(Mar. 1677)

An Act for the attainder of William Cleyborne gent. Whereas William Cleyborne gent is notoriously knowen to have committed syndry contempts, insolencies and seditious acts against the dignity, government and domination of the Lord Proprietarie of this Province, and to have conspired and contrived sondry mischeivous machinations and practises with the Indians, of these parts to the subversion and destruction of this colony and the people thereof; and to have used and exequuted sondry Magistraticall and regall powers and jurisdictions, within this province and upon the Inhabitants of the same, by levying of souldiers, appointing Leutenants and other Officers, imprisoning and otherwise punishing of Offenders, and by granting letters of reprisalls and Commissions for the execution of justice upon the vessells and goods of the Lieutenant generall of this Province, and of the people inhabiting this Colony of S^t Maries, without any authority or Commission for exercising the same from our Sovereigne Lord the King, or from the Lord Proprietary of this Province, or from any other Prince or State whatsoever. And whereas by an Act of Generall Assemblie held at S^t Maries on the six and twentieth day of Febr^y 1634 among other wholesome lawes and ordinances then made and provided for the welfare of this Province, it was enacted, that the Offenders in all murders and felonies should suffer such paines, losses and forfeitures as they should or ought to have suffered in the like crimes in England. Since the making of which Act, that is to say on the three and twentieth day of Aprill 1635, the said William Cleyborne hath not onely continued his said insolencies, mutinies and contempts against the Lord Proprietary and the government of this place but hath instigated and commanded sondry persons to committ the greivous crimes of pyracie and murther
pyracie and murther is lawfully indi by a grand Enquest of four and twenty freemen of this Province: and since and after the committing of the same pyracie and murther hath fledd and withdrawen himselfe out of the Province, whereby he cannot be attainted of the said crimes by any ordinary course of justice Wee the freemen assembled in this present Generall Assembly considering the premises and the necessity of exemplary justice to be inflicted on such

P. R. O.
Col. Papers
(May, 1677)

notorious and insolent rebels and disturbers of the peace and safety of the inhabitants of this Province, and for the terror of like offenders, in time to come, doe request your Lordship that it may be enacted and be it enacted by the Lord Proprietary with the advice of the Freemen of this present Generall Assembly, that the said William Cleyborne be attainted of the crimes aforesaid, and that he forfeite to the Lord Proprietarie all his lands and tenements which he was seised of on the said 23rd day of Aprill in the yeare 1635. And that he forfeite to the said Lord Proprietary alls his goods and chattells which he hath within this Province at this present.

And the aforesaid Bill being engrossed in parchment, was approved and signed by the Leiutenant Generall and all the Freemen assembled.

This is a true Copie of the Record of the Acts of the generall Assembly touching the aforesaid Bill

Ita testor John Lewger secretary.

PROCEEDINGS AND ACTS
OF THE
GENERAL ASSEMBLY
OF MARYLAND,

At a session held at St. Mary's, February 25 to March 19, 1638/9.

CECILIOUS CALVERT, LORD BALTIMORE,
Proprietary.

LEONARD CALVERT,
Governor.

After my hearty Commendations &c Whereas I have appointed to hold a General Assembly at S^t Maries on the twel^fe day of ffebruary next there to advise and Consult upon the enacting of Laws and other Serious affairs of the Province, These are therefore to will and require you at Some Convenient time when you Shall think fit after the receipt of these Letters, to assemble at Kent ffort, all the ffreemen inhabiting within the Isle of Kent and then and there to propound to the Said ffreemen to chuse from amongst themselves two or more discreet honest men to be their deputies or Burgesses during the next assembly according to the form of an Instrument which I herewith Send unto you, to which Instrument, which I herein Send you to w^{ch} Instrument all the Said ffreemen are to set their hands, And if they agree not in the election, then you are to return upon the Instrument the names of Such two or more persons upon whome the Major part of the ffreemen Soe assembled Shall consent, And you Shall require the ffreemen So assembled to agree upon a Certain Contribution for the defraying of the Charges w^{ch} Such Burgesses Shall Sustain by the repairing to the assembly And together with them you Shall return hither the Instrument of their Election Signed as is appointed afore, And for Soe doing this Shall be your warrant, Given at S^t Maries this 21th Decemb 1638.

Liber F
p. 135

To my Loveing Kinsman Will: Brainthwait
Commander of the

Acts of Assembly

Cæcilius Lord Proprietary &c^a to our dear Friend & Councillor Thomas Cornwaleys Esq^r Greeting whereas we have appointed to hold a General Assembly of the Freemen of our Province at our Fort of S^t. Marys on the five and twentieth day of February next we do therefore hereby will and require you that all excuses and delays sett apart you repair in Person to the said Assembly at the time and Place prefixed there to advise and Consult with us touching the important affairs of our Province

Liber M C
p. 35

Given at St. Marys the 18th January 1638

The like Summons to Mr. Giles Brent Councillor

Mr. Fulk Brent	} Gent.
Mr. Thomas Greene	
Mr. John Boteler	

Liber M C Cæcilius Lord Proprietary &c^a to our trusty Rich^d Garnett Senior Richard Lusthead Anum Benum Henry Bishop Joseph Edlo Lewis Freeman and any other the Freemen inhabiting at Mattapanient Greeting whereas we have appointed to hold a General Assembly of the Freemen of our Province at our Fort of S^t Marys On the five and twentieth day of this instant month of February these are therefore to will and require you that to morrow or on thursday next at the furthest between one and two of the Clock in the Afternoon you & every one of you be at Our Secretarys house at S^t Johns there to make such nomination and Election of your Burgesses for
p. 36 that mannor or division of of Mattapanient for this next Assembly as you shall think fitt hereof fail not at your Perill

Given at S^t Marys this 11th of February 1638

The like summons to all the freemen of S^t.Michaels Hundred to meet the Secretary at Saint Inego's house on Monday the 18th february

The like summons to all the freemen of S^t Marys hundred to be at the Secretarys house on Tuesday the 19th February

The like Summons to all the Freemen of S^t Georges hundred to meet the Secretary at the house where Captain Fleete lately dwell on thursday the 21st February

14th February 1638

Memd that this day came before me Richard Garnett Senior, Richard Lusthead, Anum Benum Henry Bishop, Joseph Edlo, Lewis Freeman & Rob^t. Wiseman and chose for the Burgess of the hundred of Mattapanient Henry Bishop and have Given unto him full & free Power for them and for every of them to be present in their names at the next Assembly as their Burgess or deputy and in witness thereof have hereunto sett their hands

The mark of Richard + Garnett
The mark of Richard + Lusthead
The mark of Joseph + Edlo
Robert Wiseman
The mark of Anum + Benum
The mark of Lewis + Freeman

p. 37 18 February 1638

This day came before me at Saint Inego's, William Lewis Captain Throughgood, Thomas Fernegan, John Norton, John Price, John Medley, Richard Loe, John Nevill, William Edwin,

Henry James, Thomas Franklin, Robert Nicholls, Robert Smith, Peter Marril Freeman of Saint Michaels Hundred and chose for their Burgesses of that hundred James Cauther and John Price and have given unto the said James Cauther and John Price full and free Power for the Freeman of the said hundred to be present in their names during the next Assembly as their Burgess or deputy and there to do & Conclude in their names as a Burgess may do in witness whereof they have hereunto subscribed

Liber M C

William Lewis	Cyprian Throughgood
Thomas Jernegan	the mark of Thomas + Franklin
	the mark of Henry + James
John Morton	William Edwin
	the mark of John + Nevill
	the mark of Peter + Marill
	the mark of Richard + Loe
	the mark of Robert + Smith
	the mark of Robert + Nicholls

19th Feb. 1638

This day came Thomas Gerard, Nathaniel Pope Thomas Baldrige Balthasar Codd, Rob^t Perry Francis Gray, John Halfhead, John Robinson, John Hillierd, Christopher Martin, John Harwood, Thomas Pasmore, Philip West, John Dandie Marmaduke Snow John Norman and John Harrison Freeman of St. Marys hundred and chose for their Burgesses of that hundred Thomas Gerard and Francis Gray and have Given unto the said Thomas Gerard and Francis Gray full and free Power for the Freeman of the said hundred to be present in their names during the next Assembly as their Burgesses or deputies and there to do & Conclude in their names as a Burgess may do in witness whereof they have hereunto subscribed.

p. 38

	Thomas Baldrige
	The mark of John + Halfhead
Robert Perry	Christopher Martin
John Hillierd	Balthasar Codd
	The mark of Nathaniel + Pope
	Philip West
	The mark of John + Dandie
	The mark of John + Robinson
	Marmaduke Snow
	The mark of Thomas + Pasmore
	The mark of John + Norman
	The mark of John + Harrison
	James Baldrige

Liber M C 21st February

This day came before me John Courtis, David Wickliff, Hutton Corbett, Thomas Hebden, Anthony Rawlins, Randell Rebell, Roger Moy, Henry Lee, John Hill, Richard Nevill, Andrew Chappel, Edward Parker, William Nausin, Isaac Edwards, Thomas Maurice, James Courtney, William Broughe, p. 39 Richard Cole, John Prettiman, Ralph Beane and chose for their Burgesses of the hundred of Saint George during this next Assembly David Wickliff to do and Conclude in their names as a Burgess may or ought to do

the mark of Anthony + Rawlins; Thos. Maurice

John Courtis John Hortley

Isaac Edwards; the mark of James + Courtney

the mark of Richard + Nevill

the mark of Henry + Lee

the mark of Roger + Moy

Andrew Chappel

Hutton Corbett

Thomas Hebden

Edward Parker

The mark of William + Naufin

The mark of Richard + Hill

Richard Cole

William Brough

The mark of Ralph + Beane

John Prettiman

The Copy of the Return of the Burgesses of Kent

Know all men by these presents both present and to Come that we the freemen of the Isle of Kent whose names are here-under written have elected and chosen our Loving Friend Nicholas Brown Planter to be our Burgess or deputy during the next General Assembly at Saint Marys summoned to Begin on the 25th of February next in Our names to assent to all and only such things as our Burgess shall think fit thereby Giving as free and full Consent unto all Laws and matters p. 40 whatsoever within the said Assembly shall be agreed and Concluded of as if we our selves in person had Consented thereunto

In witness whereof we have hereunto sett our hands this 18th february 1638

Thomas Allen

Thomas Hales

John Smith

Edmond Parry

William Medcalfe

John Thompson

Philip Conner

Robert Cooper

Walter Weebs

Henry Huett

John Parry

Henry Crawley

Dieck Genitz

Thomas Ewell

Roger Bayster

Henry Bellamie

John Abbott

William Risbrooke

Matthew Price
Thomas Woolfe
John Glanham

Walter Cottrel
Richard Browne
John Bennett

Liber M C

The like Election returned of Christopher Thomas and
Sign'd by

William Brainthwayte
Robert Phillpott
William Cope
Thomas Bradnock
Giles Basha
Andrew Basha
Leonard Lenorson
Thomas Butler
Thomas Boteler
Thomas Arnold
Howell Morgan
Edward Cumins

Thomas Pett
John Gratham
John Walker
John Rasell
Edward Thompson
Robert Lake
Thomas Stint
Hugh Herward
John Ormesby
David Odcroft
Robert Vaughan
James Johnson

Copy of his Lordships Letter to the Assembly read the first p. 41
day

Corus + Sigilli

Dear Brother

I do hereby give you full Power and Authority from time to time in every General Assembly Summoned by you in the Province of Maryland in my name to give assent unto such Laws as you shall think fit and necessary for the Good Government of the said Province of Maryland and which shall be Consented unto and approved of by the Freemen of that Province or the Major Part of them or their deputies assembled by you there from time to time for the enacting of Laws within that Province provided that the said Laws so to be assented unto be as near as conveniently may be Agreeable & not Contrary to the Laws of England every which Law so to be assented unto by you in my name & consented unto and approved of by the Freemen as aforesaid I do hereby declare shall be in force within the said Province till I or my heirs shall signify in me or their disassent thereunto under the Great Seal of the said Province and no Longer unless after the transmission thereof unto us and due Consideration had thereupon I or my heirs shall think fitt to Confirm the same Given under my hand & Seal at London in the Realm of England the 21st of August 1638.

C. Baltimore

To my dear Brother Mr. Leonard
Calvert Esq^r my Lieutenant General
of the Province of Maryland

Liber M C
p. 42

Acts of the first day
being 25th February 1638
in the morning

Assembled at the Fort of St. Marys
The Lieutenant Generall
Captain Thomas Cornwaleys
Mr. Fulk Brent
Mr. Giles Brent
Mr. Secretary
Mr. Thomas Greene

Delegates

Mr. Gerard	}	for Saint Marys
Mr. Gray		
Mr. Wickliff	}	for Saint Georges
Mr. Rebell		
Mr. Cauther	}	for Saint Michaels
Mr. Price		
Mr. Bishop		for Mattapanient
Mr. Thomas	}	for Kent
Mr. Brown		

And they removed the Assembly to be held at Saint Johns
At Saint Johns

Then was read his Lordships Letter to the Assembly

Then was passed an act for the Settling of the House of
Assembly by the General Consent of all the Freemen and of
the Lieutenant General for the Lord Proprietor

P. 43 Cuthbert Fennick claimed a Voice as not assenting to the
Election of Saint Marys Burgesses and was admitted Robert
Clerke Similiter

Then were read the Orders to be Observed during the
Assembly

Then was read the act touching the Payment of Tobacco's
and divided into Branches

The Act for setting the House of Assembly followeth in the
end of these acts.

The Orders follow in the next Page

ORDERS DEVISED AND PUBLISHED BY THE HOUSE OF
ASSEMBLY TO BE OBSERVED DURING THE ASSEMBLY

The Lieutenant General shall be called President of the
Assembly and shall appoint & direct all things that Concern
Form and decency to be used in the house and shall Command

Observance thereof as he shall see Cause upon pain of imprisonment or fine as the house shall adjudge The Burgesses shall take Precedence according to this Order Liber M C

When any one of the house is to speak to any Bill he shall stand up and be Bareheaded and direct his speech to the President only and if two or more stand up to speak together the President shall appoint who shall speak

3

No man shall stand up to speak to any Bill until the Party that last spake have sat down nor shall any One refute another with any nipping or vncivill terms nor shall name another but by some Circumloquation as the Gentleman or Burgess that spake last or or that argued for or against this Bill or the Bill p. 44

4

The house shall sit every day holy days excepted unless it be adjourned at eight of the Clock in the morning at the furthest and at two of the Clock in the afternoon & if any Gentlemen or Burgess not appearing upon call at such time as the President is set at or after either of the said hours shall be amerced 20^{lb} of Tobacco to be forthwth paid to the use of the house

5

After any Bill hath been once read in the house the Bill shall be read

ingrossed or utterly rejected and upon any day or day appointed for a Session all Bills engrossed shall be put to the question and such as are assented to by the Greater part of the house and if the Votes be equal that shall be judged the Greater part which hath the Consent of the Lieutenant General shall be undersigned by the Secretary in these words the free-men have assented and after that the President shall be demanded his assent in the name of the Lord proprietary and if his assent be to the Bill, the Bill shall be undersigned by the said Secretary in these words the Lord Proprietary willeth that this be a Law

On the 25th day of February 1638
in the afternoon

Assembled

The President
Captain Thomas Cornwaleys
M^r Fulk Brent
M^r Giles Brent
M^r Secretary
M^r Tho Greene

Liber M C
P. 45

Burgesses

Mr. Gerard	}	for Saint Marys
Mr. Gray		
Mr. Wickliff	}	for Saint Georges
Mr. Revell		
Mr. Cauther	}	for Saint Michaels
Mr. Price		
Mr. Bishop for Mattapanient		
Mr. Thomas	}	for Kent
Mr. Browne		

Then were read the Bills
for the planting of Corn
For Publick Ports
For restraint of Liquors
For weights & measures
For limiting the time of Servants
For Swearing allegiance to the King
For erecting a Court of Admiraltie
County Court
Court of Chancery
Pretorial Court
For the Government of the Isle of Kent
For the electing of certain Officers
For the Liberties of the People
And the House was adjourned till thursday morning 28th
february

Acts of the Second day being 28th
February 1638 in the morning

Assembled

p. 46

The President
Captain Thomas Cornwaleys
Mr Fulk Brent
Mr Giles Brent
Mr Secretary
Mr Thomas Greene

Burgesses of hundreds

Mr Gerard	}	for Saint Marys
Mr Gray		
Mr. Wickliff	}	for Saint Georges
Mr. Rebell		

Mr. Cauther } for Saint Michaels
Mr. Price }

Liber M C

Mr. Bishop for Mattapanient

Mr. Thomas } for Kent
Mr. Browne }

Then was read his Lordships warrant to the Governor for assenting in his name

Then was heard a Cause between Richard Loe and Reinold Fleete and was adjudged by the Major Part agreeing that the defendant should pay the Plaintiff 30^{lb} of Beavor for his whole demand

Then was read the Bill for the descending of Land

For Succession to Goods

For Church Liberties

For assuring titles to Land

For Treasons

For Felonies

For Allowing Book to certain Felonies

For enormous offences

P. 47

For Justices of Peace

For trade with the Indians

For enrolling of Grants

For accomptants upon oath

For Peopling of the Province

This morning was read the petition of Rich^d Thompson to the house for remission of his Censure and a Pardon of Common Grace and none of the house spake in affirmance or to promote the petition and the President Answered that he thought it not fit to be Granted

The Sheriff warned to bring into the Court in the afternoon the Body of John Richardson and to warn William Brough to Give in evidence

In the afternoon of the same day

Assembled as before

Then was called John Richardson & charged with flight & Carrying away of Goods unlawfully from his Master & found Guilty by the whole house and adjudged by the house to be whipped three several times

Mr. Gray

Mr. Thomas

Mr. Bishop

Mr. Browne

Liber M C Mr. Wickliff

Mr. Greene to be hanged

Mr. Giles Brent to be whipld very severely

Mr. Fulk Siliter

p. 48 The Captain; to be whipped provided that he be Sorrowful
for his fault

The President; to be laid in Irons and whipped three several
times very severely

Then was read the Bill for swearing of Judges

What Persons shall be called to an Assembly

The time of calling Assemblies

For Building of a Town house

Military Discipline

For Fees

For a ferry upon S^t Georges River

Acts of the third day being 1st March 1638 in the morning

Assembled as afore

The Captain

Mr. Giles Brent

Mr. Greene

} Amerced for tardie

Then was read the second time the Bill for paym^t. of Debts
and rejected upon the first Clause read

For trade with the Indians &c^a & rejected upon the first
Clause read by all except the Captains, the Presid^t. & the
Secretary

And the house was adjourn'd till next morning

Acts of the fourth day being 2^d March 1638 in the morning

Assembled as afore

Then was read the first time the Bill for Common charges

Then was read the second time

For inrolling of Grants & to be engrossed

p. 49 For Accomptants upon oath to be Engrossed

For peopling the Province to be Engrossed

For Church Liberties to be Engrossed

For Oaths of Judges &c^a to be Engrossed

For holding Assemblies to be Engrossed

For Building a town house to be Engrossed

For military discipline to be Engrossed

And the house was adjourn'd till Wednesday next 8 a
clock

Acts of the fifth day being 6th March 1638 in the morning Liber M C

Assembled as afore except M^r. Fulk Brent

Then was read the first time a Bill for the Lord Proprietors
title

Then were read the second time the Bills

For establishing the Government of Kent deferred

For the descending of Land to be engrossed

In the afternoon

Assembled as afore

Then was heard a Cause between Captain Cornwaleys & Thomas Morris and was adjudged that Thomas Morris should pay 200^{lb} Tobacco for the next Years rent of his House and at the end of the term leave it to the Captain in Case he prove not before the next Cropp that he had the said house for four years term Rent free from Captain Fleete

then were read the second time the Bills

For Succession to Goods Engrossed

For assuring titles engrossed

For a ferry engrossed

For swearing allegiance engrossed

For Liberties of the People engrossed

For Measures and weights engrossed

For limiting times of Serv^{ts} engrossed

For pretorial Court engrossed

p. 50

Acts of the sixth day being 7th March 1638

In the morning

Assembled as afore

Captain Cornwaleys amerced for tardie 20^l tobacco

Then was heard an action of M^{rs} Gertrude James against Captain Evelin &c and the Court Ordered that the damages demanded should be alledged and drawn up in form next day

Then was read the first time a Bill for Support of the Lord Proprietary

Second time for enormous Offences engrossed

For fees engrossed

For common defraying of Charges engrossed

For Justices of peace engrossed

Liber M C

In the afternoon

Assembled as afore

Then was read the first time the Bill
for the trade

Second time for the support of the Lord Proprietary
engrossed

For planting of Corn engrossed
For maintaining the Lords title &c deferred

p. 51 At the reading of the title of the Bill for trade with the
Indians one of the Gentlemen objected against it that it was
afore recited the Secretary replied that it was a new Bill
though the former title and that the house could not Judge
whether it were to be read again or no afore they heard it read
the Gentleman objected that it was against the Form & Order
the Secretary replied that the Order spake of utterly rejecting
a Bill but this was not utterly rejected by the house in regard
divers assented to it and therefore it Could not be put to the
house to Vote the passing of it till the third reading and
accordingly with the Consent of the House the Secretary pro-
ceeded to read it as the first time of Reading the Gentleman
interrupted and desired first to read some Propositions to the
house touching the Bill but it was adjudged that the Bill should
first be read & then he might object what he pleased so the
Bill was read

Acts of the seventh day being 8th March 1638 in the morning

Assembled as the last day except M^r. Giles Brent

Then was read the second time the Bill
for trade with the Indians; engrossed

In the afternoon

Assembled as in the morning except M^r Giles Brent & M^r
Gray

Then was read the first time the Bill for tenures of Certain
Adventurers and Rejected

Second time for recovering of debts

For erecting a Court of Chancery engrossed

For treasons engrossed

p. 52 For Felonies engrossed

For Book to certain Felonies engrossed

For a County Court engrossed

For Admiraltie Court engrossed

For Government of the Isle of Kent engrossed

For publick Officers Engrossed
For publick Ports Engrossed
For Lord Proprietors title &c^a Engrossed
For payment of Debts engrossed
Adjourn'd till friday next at 8 a Clock when was appointed
a Session

Liber M C

Acts of the eighth day being 15th March 1638

Assembled as afore

Then was read the first time the Bill
for Continuing Commission for the Government
for Confirming the sentence against W^m Cleyborne
And the house was adjourn'd till monday morning

Acts of the ninth day being 18th March 1638 in the morning

Assembled as afore except M^r Gerard and David Wickliff
David Wickliff amerced for tardie

Then was read the first time the Bill for the Government of
the Province.

In the afternoon

At S^t Marys Fort

Assembled all except M^r Gerard

Then was read the second time the Bill for the Government p. 53
of the Province

Acts of the tenth day being 19th March 1638 in the morning
ibid

Assembled as before

Then was read the third time the Bill for the Gov^t of the
Province

And all assembled assented thereunto except Hen: Bishop
James Cauther
Francis Gray
John Price

Then the Lieutenant General gave his assent thereunto in
the name of the Lord Proprietary
And then he dissolved the Assembly

Memorandum that these bills were engrossed to be read the
third time but were never read nor passed the house

John Lewger

Liber
C & W H
p. 1

Liber
C & W H
p. 1

An Act for Church liberties

Be it enacted by the Lord Proprietarie of this Province by and with the Advice and approbation of the ffreemen of the same that Holy Church within this Province shall have all her rights liberties and immunities safe whole and inviolable in all things This act to continue till the end of the next Generall Assembly and then with the Consent of the Lord Proprietarie to be perpetuall.

An Act for Swearing Allegiance

Be it Enacted and ordeined by the Lord Proprietarie of this Province by and with the Consent and approbation of the ffreemen of the same that all and every person or persons of the age of eighteen years and upwards Inhabitants or that Shall come hereafter to Inhabite within this Province shall within one month next after this present Assembly shall be dissolved or within one month after such person or persons shall land or come into this Province take an oath to our Sovereigne Lord King Charles his heirs and Successors in these words following [I: A B doe truely acknowledge professe testifie and declare in my concience before God and the World that our Sovereigne Lord King Charles is lawfull and rightfull King of England and of all other his Majesties Dominions and Countries and I will bear true faith and allegiance to his Majestie his heirs and lawfull Successors and him and them will defend to the uttermost of my power against all conspiracies and such attempts whatsoever which shall be made against his or their Crowne or dignity and shall and will doe my best endeavour to disclose and make known to his Majestie his heirs and lawfull Successors all Treasons and traiterous consperacies which I shall know or heare to be intended against his Majestie his heirs and lawfull Successors And I doe make this recognition and acknowledgement heartily willingly and truely upon the faith of a Christian So help me God] And Be it further Enacted By the authority aforesaid that if any person or persons to whom the Said oaths Shall be tendred by Virtue of this present act Shall willfully refuse to take the same that then Upon such tender and refusall the said person or persons so refusing to take the said Oath shall be imprisoned till the next County Court or hundred Court of Kent and if at such Court
p. 2 such partie shall upon, the Second tender refuse again to take the said oath the partie or parties so refusing shall forfeit and lose all his Lands goods and Chattells within this Province to the Lord Proprietarie and his heirs and Shall be banished the said Province for ever (except women covert who Shall be

committed only to prison untill such time as they will take the same oath. Liber
C & W H

To which end Be it further Enacted by the authority aforesaid that the Leiutenant Generall or other officer Governour or Governours (for the time being) of this Province or two of the Councill or the Secretary of the Province for the time being or any Judge sitting in Court or the Commander of the Isle of Kent for persons being or that Shall be in the Ile of Kent Shall have full power to administer the said oath in manner aforesaid according to the intention of this present act This Act to continue till the end of the next assembly

An Act for the liberties of the
people

Be it Enacted By the Lord Proprietarie of this Province of and with the advice and approbation of the ffreemen of the same that all the Inhabitants of this Province being Christians (Slaves excepted Shall have and enjoy all such rights liberties immunities priviledges and free customs within this Province as any naturall born subject of England hath or ought to have or enjoy in the Realm of England by force or vertue of the common law or Statute Law of England (saveing in such Cases as the same are or may be altered or changed by the Laws and ordinances of this Province)

And Shall not be imprisoned nor disseissed or dispossessed of their freehold goods or Chattels or be out Lawed Exiled or otherwise destroyed fore judged or punished then according to the Laws of this province saveing to the Lord proprietarie and his heirs all his rights and prerogatives by reason of his domination and Seigniorie over this Province and the people of the same This Act to Continue till the end of the next Generall Assembly

An Act for meinteing the Lord Proprietaries Title to the Lands p. 3
of this Province

Be it Enacted By the Lord Proprietarie of this Province of and with the advice and approbation of the ffreemen of the same That no Subject of his Majesties the King of England or of any other forreigne Prince or State Shall obtain procure or accept of any Land within this Province from any forreigne Prince or State or from any person whatsoever (the natives owners of the Land excepted) other then from the Lord Proprietarie or his heirs or some person claiming under him or them

Liber
C & W H

Neither Shall he obtaine procure or accept of any Land within this Province from any Indian to his own or the use of any other then of the Lord Proprietarie or his heirs nor shall hold or possess any land within this Province by Virtue of such Grant upon pain that every person offending to the contrary hereof Shall forfeit and lose to the Lord Proprietarie and his heirs all Such Lands so accepted or held without Grant of the Lord Proprietarie or under him This Act to Continue to the end of the next Generall Assembly

An Act for Trade with the Indians

Whereas the Crowne of England (by right of first discovery) became Lord and Possessor of this Province and other Countries thereunto adjoyning so that no Subject of his Majesties or any other foreigne Prince or State whatsoever might or could Lawfully come into these parts to trade with the Indians thereof without leave or lycense from or under the said Crowne of England (according as his Majesties said right is practised allowed and acknowledged in all other parts so accrewing to the said Crown by right of discovery)

p. 4 And Whereas His Majestie being so possessed by his Letters Patents to the Right Honourable Cecilius Lord Baltemore Granted and Confirmed unto the said Cecilius all this Province with all rights thereunto belonging (saveing only the Sovereigne allegiance due to the Crown of England) and him the said Cecilius did create and constitute Absolute Lord and Proprietarie thereof who by Virtue of his said of his said Lordship after possession taken of this Province did by publique proclamation prohibite all persons whatsoever from tradeing with any Indians of this Province without leave or lycense from or under his said Lordship first had and obtained and certain Inhabitants thereof offending against the said Proclamation presumeing upon former Grants and Commissions from his Majestie have been punished and proceeded against for unLawfull tradeing without or before such leave and Lycence obtained and thereof complaining to the Kings Majestie where by him referred to the Lords of his Majesties most honourable Privy Councill for determining the right and justice of the said Complaints which said Lords after full hearing and debating of the cause have ordered and Confirmed the said Lord Proprietaries said right of sole tradeing with the Indians of this Province declareing that no trade with the said Indians ought to be within the precincts of his Lordships Pattennt without Lycence from his Lordship (as by the said order bearing date at Whitehall 4th Aprill 1638 may appear)

Wee the ffreemen of this Province takeing into our tender care the rights and priviledge of his said Lordship so granted and declared and that the presumption of such right and priviledge was the main and cheif encouragement of the said Lord Proprietarie to undertake the great charge and hazard of planting this Province and to endue the Gentlemen and other the first adventurers to come therein with his Lordship by propounding a portion and Share thereof unto such as Should adventure their persons and Estates for the beginning of a Plantation here and being willing and ready to our powers to assist his said Lordship in all his rights and priviledges by inflicting penalties on all such as Shall attempt to Violate and infringe the same in expectance of the like protection and assistance from his Lordship of and for the meinteining and defending of all our rights and liberties And further considering how inconvenient it may and is like to prove to the State of this Province and the peace and plenty thereof if a promiscuous liberty of tradeing with the said Indians Should be permitted and left open to all persons indifferently in regard that there by the price of Indian Corn may easily be enhansed and the Store thereof carried out of the province by forreiners in time of our greatest need and that Jealousies rumors and false newes may be spread amongst the Indians by ill affected persons to the disturbance of the peace and Safety of the Inhabitants and that Vessells weakly maned and provided may be and are usually set forth amongst Indians disaffected to this Collony whereby both the men have been and may be destroyed and the Vessells armes and Ammunition therein taken converted and employed to arme the said Indians against us have therefore thought it necessary and doe desire that it may be enacted

Liber
C & W H
p. 5

And Be it Enacted By the Lord Proprietarie of this Province by and with the advice assent and approbation of the ffreemen of the same that no forreiner whatsoever from and after the end of this present assembly come into or throughe any the Limits or precincts of this Province to the end to trade with any Indians of these parts nor Shall any person whatsoever trade with any Indians of these parts nor unlade or lade any goods or commodities traded or to be traded with or from any such Indians out of or upon any Vessell riding or lying in or upon any the Waters or Shores within the Limits and precincts aforesaid without Grant or lycence from the Lord Proprietarie or his Leivten^t Generall had and obtained or to be had and obtained upon pain of confiscation of all vessells and goods tradeing or attempting to trade or traded or attempted to be traded contrary to the intention of this present Act Provided that it Shall be Lawfull for any Inhabitant of this

p. 6

Liber
C & W II

Province to trade with any Indians resorting to his plantation for two or three Skins or such like small quantity of beaver (so they inhance not the usuall price thereof) or for any commodities for his use or provision without incurring any penaltie of this present act

And further provided that any Inhabitant of this province putting in security for preventing the disorders and inconveniencies aforementioned (as enhanceing the price and carrying out the Store of corne spreading of false news and going forth weakely provided) Shall have a lycence (of course) from the Leivtenant Generall or the Secretary of the Province to trade with any Indians for any corne or other commodities to be used or expended within the province or to export any corne bought of any Indian through and out of the Province at any time when the ordinary price of corne in the province doth not exceed thirty pound of Tobacco for a barrel of Corne any thing in this Act to the contrary notwithstanding

An Act for Severall oaths to be taken by Judges and publique Officers

Be it Enacted By the Lord Proprietarie of this Province by and with the advice and approbation of the ffreemen of the same that from and after the last day of the Generall Assembly the Leiutenant Generall of this Province for the time being shall (before he exeques any part of his Office) take an oath in these words following

p. 7 I A B doe Swear that (whilst I am a member of this Province) I will bear true faith unto the right Honourable Cecilius Lord of this Province and his heirs (saveing my allegiance to the Crowne of England) and the said Province and him and them and his and their due rights and Jurisdictions and all and every of them will and defend and meintein to the uttermost of my power, the peace and welfare of the people I will ever procure as far as I may to none will I delay or deny right but equall Justice will administer in all things to my best Skill according to the Laws of this Province So help me God

And Be it Enacted By the Authority aforesaid that from and after the last day of this Assembly every Councillor of State of the said province (before he be admitted as Such) Shall take an oath in these words following I A B doe Swear (that whilst I am a Councellour of this Province) I will true faith bear to the right Honourable Cecilius Lord of this Province and his heirs (saveing my allegiance to the Crown of England) and him and them and his and their due rights and Jurisdictions and every of them will defend and meintein to

my power the peace and welfare of the people I will ever procure as far as I may I will aid and assist the administring and exequation of Justice in all things to my power I will to my best Skill give good and faithfull Councill to the said Cecilius and his heirs and to his or their Leiutenant Generall of the Province for the time being when thereunto I Shall be Called and I will keep Secrett all such matters as are delivered me as Secretts as becomes a Councillour to doe. So help me God

Liber
C & W H

And Be it further Enacted That from and after the last day of this Assembly every Judge of any his Lordships Courts (before he execute any Judiciall Act) Shall take an oath in these words following. I A B do Swear that (whilst I am a member of this Province I will bear true faith to the Right Honourable Cecilius Lord of this Province and his heirs (saving my allegiance to the Crowne of England) and his and their due rights and jurisdictions and every of them will defend and meintein to my power to none will I delay or deny right reward of none will I take for doing of Justice but equall Justice will administer in all things to my best Skill (without fear favour or malice of any person) according to the Laws of this Province So help me God

p. 8

And likewise the Secretary of the Province Clerk of the Chancery and the Register of every other Court of Record before he execute any act of his said Office shall take an Oath in these words following I A B doe Swear that (whilst I am a member of this Province) I will true faith bear to the right Honourable Cecilius Lord of this Province and his heirs (saving my allegiance to the Crowne of England and his and their due rights and Jurisdictions and every of them will defend and meintein to my power to none will I delay or deny right in what belongeth to my office to doe by the Laws of this Province true Record I will keep of Judgm^{ts} and all other matters to be by me Recorded without Falsifiction or corruption for fear favour or malice of any person So help me God

To which end and purpose be it further Enacted that the Secretary of State of this province for the time being shall have full power to administer to the Leiutenant Generall the oath above mentioned to be taken by the said Leiutenant Generall and that the Leiutenant Generall by the authority aforesaid shall have full power to administer to every Councillour of State Judge and Officer aforesaid the oath above mentioned to be taken by every of them in manner as aforesaid according to the true Intention of this present Act, This Act to continue to the end of the next General Assembly.

p. 9

Liber
C & W HAn Act For Erecting a Court
of Admiraltie

Be it Enacted By the Lord Proprietarie of this Province by and with the advice and approbation of the ffreemen of the same that all causes and matters whatsoever maritime determinable in any Court of Admiraltie Shall be fineally heard and determined within this Province by and before the Admirall of the province for the time being or by and before such Judge and Judges as the said Admirall Shall authorize to hear and determine the same or by and before such Commissioner or Commissioners as (in defect or Vacancie of an Admirall) the Lord Proprietarie of this Province shall authorize under the great Seal to hear and determine the same which said Admirall or cheif Commissioner shall or may appoint a Register for Recording all matters belonging to that Office And the said Admirall Cheif Judge or cheif Commissioner for the time Exerciseing that Office and the said Register Shall be a Court of Record and Shall be called the Court of Admiralltie and the said Court Shall or may enjoy use and exercise all or any the same or the the like powers priveledges authorities and Jurisdctions within this Province as the high Court of Admiraltie in England enjoys or may enjoy use and exercise within the Realm of England (except where it is otherwise provided by any Law of this Province) And (untill the said Court have a proper Seal appointed to it by the Lord Proprietarie) all prosesse Certificates Commissions and all other Judiciall Acts of
 p. 10 this Court Shall be drawn and Signed by the Regist^r thereof and Such Signature Shall be a Sufficent Warrant to the Chancellour or keeper of the Seal to put the great Seal thereto And Such prosesse and all other Judicial Acts shall Issue in the name of the said Admirall or cheif Commissioner and Shall be directed either to the parties or Wittnesses themselves or to the Marshall or Officer of the said Admiraltie Court or to any other person or persons named upon the writt

And such summary formes of proceedings shall be used and observed in the Court as the said Admirall cheif Judge or cheif Commiss^r shall approve or appoint to be used.

And all Causes civill shall be tried and decided by the said Admirall Judge or Judges Commiss^r or Commiss^{rs} and all causes Crimminall shall be tried by a Jury of five or more Merchants marriners or other freemen of the province as their number shall be appointed upon the writt the said Jury to be returned by the Marshall or Officer of the Court and Conviction Shall be the said Jurors agreeing in their Verdict (except that in Crimes of pyracie or other Capitall Crimes or Contempts belonging to the Jurisdiction of this Court the tryal

Shall be by a Jury of twelve marriners or (in defect of marriners) of other freemen of the province till the number of twelve Jurors be Compleate Liber
C & W H

And Such Judgement Shall be given in all matters and causes whatsoever as is most agreeable to the Laws of this Province or (in default thereof) to the Judgments which usually are or ought to be given in the same or the like causes by the custom or Law Merchant of England or in the Admiraltie Court of England as near as the said Admirall Judge or Judges Commiss^r or Commiss^{rs} Shall be able to detirmine.

And all fines forfeitures of Bonds or recognizances to the use of the Lord Proprietarie confiscations derelicts pyrates or enemies goods found in or upon the Sea or within high water mark (not haveing any owner challenging the same) and all other proffits and perquisites due or belonging in England to the high Admirall of England shall be to the use and proffit of the said Admirall or (in vacancie of an Admirall) to the use of the Lord Proprietarie (except were the said proffits or perquisits or any of them are otherwise granted by Pattent) This Act to continue till the end of the next Assembly. p. 11

An Act For the Erecting of a County Court

Be it Enacted By the Lord Proprietarie of this Province by and with the advice and approbation of the Freemen of the same that all causes of appeal from inferiour Courts and all causes whatsoever civill determinable in any Court of common Law in England and all causes for recovery of Legacy's and all Causes matrimonial (forasmuch as concerns the triall of Covenants and Contracts and the punishment of faults committed against the same) and all offences of incest attempting of anothers chastity defamation temararious admircōn detention of Legacy's clandestine mariage without beanes thrice published or bond entred in the Court and all Crimes and offences whatsoever (not extending to felony or treason by the Laws of this Province) for which any certain punishm^t is appointed by the laws of this Province or by the Common Law of England shall be heard and determined finally by and before the cheif Justice of the Province for the time being or by and before such other Commiss^r or Commission^{rs} as the Lord Proprietarie of this Province or the Leiuten^t Generall shall authorize to hear and determine the same

Which said cheif Justice shall or may appoint a Register for the Recording of all matters pertaining to that office and the said cheif Justice Commiss^r or Commiss^{rs} for the time being

Liber
C & W H
p. 12

and the said Register shall be a Court of Record and shall be called the County Court and the said Court shall or may have use exercise and enjoy all or any the same or the like powers priveledges authorities and Jurisdictions within this province (in the Causes aforesaid) as any of the Kings Courts of Common Law in England useth or may use and exercise within the Realm of England (except were it is otherwise provided by any Law of this Province)

And (untill there be a Seal appointed to this to this Court by the Lord Proprietarie) all mean prosesse and Judiciall Writts in all causes appertaining to this Court shall be drawn and Signed by the Register of this Court and Such Signature Shall be a sufficient warrant to the Chancellour or keeper of the great Seal to put the great Seal thereto and they Shall issue in the name of the Lord Proprietarie with the teste of the said cheif Justice or cheife Commiss^r and Shall be directed to the parties themselves or to any Witnesses or to the Sherrif of the Countie or to any other officer named upon the writt and Such formes of process and proceedings upon bill plaint information Presentment, or endictment Shall be used and observed in the Court as are most agreeable to the Laws of this Province or otherwise to the forms used and observed in the Courts of Common Law in England in the same or the like causes as neer as the Judge or Register may well know them or otherwise such formes as the said Cheif Justice shall appoint or approve to be used and observed (except were it is otherwise provided by any law of this Province)

And all questions and Demurers in Law in this Court shall be determined by the said cheif Justice Commiss^r or Commiss^{rs}. And in all pleas and matters civill or Criminall (in this or any other Court within the Province) the Lord Proprietarie shall be allowed all the same and the like prerogatives and Royall Rights as are usually or of right due or belonging to a Court Pallatine (saveing allways the Sovereigne Dominion due to the King of England)

p. 13 And all issues of fact in this Court shall Be tried by the said cheif Justice Commiss^r or Comm^{rs} and the Councill sitting in Court or the Major part of them if the defendant shall chuse to be tried by the Court or otherwise by a Jury of Seven or more freeholders of the County to be returned by the Sherrif if the defendant Shall chuse to be tried by his Country

And the Register of the saide Court may at any time take a writt out of the Chancery returnable into this Court directed to the Sherriff to returne any five or more freemen (named upon the writt) for a grand enquest and after the empanelling of the said enquest or of any five of them the Court shall or may charge them with an oath truly to enquire of and true

presentment to make of all offences and misdomenors whatsoever committed to their or any of their knowledge or by vehement suspition publique fame or by information of any partie upon oath said or affirmed to be committed against the laws of this Province which presentment delivered into the Court by the said enquest shall be an indictment of any partie in any Crime of Felony or treason (Provided that such presentment or Indictm^t be made or found by a Grand enquest of twelve Jurors at least) upon which such partie presented or Indicted may be put upon his tryall in the pretoriall Court and likewise it Shall be a Conviction of the partie presented of any other crime whereof he is presented (the said crimes of Felony or treason excepted) upon which such persons may be senced for the said crime unless the partie presented purge him or herself thereof by such means as the Court shall appoint the partie for his or her purgation

Liber
C & W H

And every person lawfully served and warned to be of the enquest as aforesaid and not appearing upon call at the time and place prefixed in the writt shall lose and forfeit such issues as shall be mentioned in the writ for a pennaltie of not appearing (provided that such pennaltie exceed not one hundred weight of Tobacco and the same Law Shall be for any other Jurors provided that the pennaltie of not appearing exceed not fifty weight of Tobacco

p. 14

And Such Judgment Shall be given in all causes in this Court as is most agreeable to the Laws of this Province or (in defect of such Laws) to the Judgements usally given in the same or the like causes in the civill Courts or Courts of common Law in England as neer as the Judge shall be able to detirmine and yearly on the first monday in October and afterward monthly till March (exclusively) Shall be held a County Court at St^t Maries by the cheif Justice or (in his absence) by any Commiss^r by the said cheif Justice appointed or in default of a Commiss^r by the cheif Councillour of State at that time Present at St^t Maries who shall in all things dureing the said Court have and use all the same powers and authorities as are given and granted to the cheif Justice in any part of this Act This Act to Continue till the end of the next generall Assembly.

An Act For the Erecting of a
Court of Chancery.

Be it Enacted By the Lord Proprietarie of this Province of and with the advice and approbation of the freemen of the same That all matters and causes whatsoever determinable in

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the high Court of Chancery in England and all matters and causes whatsoever civill not provided for by any Law of this province and all causes whatsoever civill (otherwise of right belonging to any other Court within the province) wherein the Judge of such other Court is a partie (except such other Judge (be Lieutenant Generall of the province Shall or may be finally heard and determined within this Province by and before the Chancellour of this Province and Councell of State for the time being And the said Chancellour shall or may appoint a Clerk for recording of all matters belonging to that office and the
p. 15 said Chancellour Councell and Clerk shall be a Court of Record and be called the Court of Chancery and Shall have power to issue and award all the same or the like writts grants pardons Commissions or edicts as may be issued or awarded out of the high Court of Chancery in England and further to enjoy use and exercise all or any the same or the like powers priveledges authorities and Jurisdicions within this Province as the said Court of Chancery enjoyeth or may enjoy use or exercise within the Realm of England (except where it is otherwise provided by any law of this Province

And all writts originall and all other matters drawn by the Clerk of this Court or in or upon matters determinable in this Court Shall issue in the name and with the test of the Lord Proprietarie and the writts shall or may be directed to the parties themselves or to the Sherif of the County or to any other publique Officer named upon the writt and the most Summary formes of proceeding and triall shall be used in this Court as the Chancellour shall approve or appoint and the same or the like Judgments shall be given in the same as are most agreeable to the laws of this province or otherwise to the Judgments usually given in the same or to the like causes in the high Court of Chancery in England^d or otherwise are most agreeable to right reason equity and good conscience (without neglecting the law of the province) as neer as the said Chancellour and Councell Shall be able to determine This Act to Continue till the end of the next generall Assembly

An Act For the erecting of a Pretorill

Be it Enacted by the Lord Proprietarie of and with the advice and approbation of the freemen of the same that all Capital crimes of treason and felony (by the laws of this Province and all enermious offences whatsoever by the Laws of this Province shall be finally heard and determined by or
p. 16 before the Lord Proprietarie or his Lieutenant Generall and

the Councill of State for the time being and the Secretary of the Province for the time being or other Register appointed by the Leiutenant Generall shall record all matters and proceedings in this Court and the said Lord Proprietarie or his Leiutenant Generall and the said Councill Secretary or Register or any three of them whereof the said Lord Proprietarie or his Leiutenant Generall and Secretary or Register to be alwayes two) Shall be a Court of Record and Shall be called the pretoriall or the pretoriall Court and the said Pretoriall shall or may enjoy use and exercise all or any powers priveledges and Jurisdictions within this Province in any the causes aforesaid necessary for the tryal and punishment of the said crimes and offences

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And untill there be a Seal appointed for this Court by the Lord Proprietarie all prosesse and writts and other Judiciall acts in matters and causes apperteining to this Court Shall or may be drawen and Signed by the Register of this Court which Signature Shall be a sufficient Warrant to the Chancelour or keeper of the Seal to put the great Seal thereto and they shall or may be directed to the parties or wittness themselves or to the Sherif of the County or to any other Officer named upon the Writt

And such formes of proceeding and triall upon information indictment or appeale Shall be used and observed in this Court as are most agreeable to the laws of the province or otherwise to the formes used and observed in England in the same or the like causes as neer as the said Court shall be able to Judge or otherwise such formes as the said Court shall appoint or approve to be used and observed (in cases not provided for by the law of the Province) and all such formes once appointed and entered upon Record in the Court shall be for ever after used and observed in the Court untill they or any of them be altered by Act of Assembly And all enormous offences aforesaid Shall be tried by the said Court and all capitall Crimes of treason or felony shall (upon an indictm^t by a Grand inquest) be tryed by a Jury of twelve freemen to be returned by the Sherif And any Lord of a Mannour endicted of any Capitall offence Shall be tried by the said Leiutenant Generall and by twelve or more Lords of Mannours (if there be so many within the County capeable of such a charge) or in default of so many Lords of Mannours then by so many Lords of Mannours and freeholders of the County (to be returned by the Sherrif) as shall make up the number of twelve at the least And the said Lords of Mannours and freeholders empanelled shall be called and judged his peers and conviction shall be by the said Leiutenant Generall and the said Peeres or the major part of them agreeing in their verdict

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and such Judgment shall be given in all crimes and offences whatsoever capitall within this Province as is most agreeable to the Laws of this Province and such judgment shall be given in all Enormious offences as the said Lord Proprietarie or his Leiutenant Generall and Councill or the major part of them sitting in Court shall thinke the misdomeniour offence or contempt to deserve for correction of the deliquent or recompence of the partie greived (so that it extend not to the taken away of Life or member and so that no fine (to the use of the Lord Proprietarie) Shall be levyed upon judgment given in this Court to above the fourth part of the Clear personall Estate of the party censured or of the Value thereof according to a true and perfect Inventory thereof to be made and appraised upon Oath by two freemen of the County indifferently chosen by the Sherif and entered in the Record of the said Court This Act to Continue to the end of the next generall Assembly.

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An Act For the authority
of Justices of the Peace

Be it Enacted By the Lord Proprietary of this Province of and with the advice and approbation of the freemen of the same That the offences following in this Act may be heard and determined by the Leiutenant Generall for the time being or by any one of the Councill or by any one haveing Commission for the peace under the great Seal of this Province and the offender may be convicted by the view or hearing of the Judge or confesion of the Offender or Evidence of the fact or by the testimony of one wittness To which purport every of the said Judges aforementioned shall have power by vertue of this Act to grant a warrant or warrants to the Sherrif high Constable or tithing man for the appearing of any partie or parties offending or complained of as offenders and to administer an oath to any wittness or wittnesses and to commit any offender to prison till he submitt himself to good order or find Security for his good abearance and to take and demand recognisances to that purpose and to keep a Record of all fines and Sentences given in that behalf and to certifie the same to his Lordships receiver Generall or to the Register of the County Court (who shall thereupon award execution for the Levying of the same) and to award precepts and to take recognisances for the peace and to doe use and exercise all or any other the same or the like powers and jurisdictions within this province and the limits of his Commission (in crimes and offences against the law of this Province) as any Justice of Peace in England useth or of right may or ought to use by Vertue of his Commission for the peace

That is to say menacing of another to doe him harm in person or goods and the offender shall be imprisoned untill he doe find Sureties for the peace withdrawing of ones Self out of an English Plantation to inhabit or reside among any Indians not christned without Consent of the Lord proprietary or his Lieutenant Generall and the offender Shall be imprisoned untill he shall find Security to perform the order of the Judge therein Swearing which is the prophane Adjuration by God or some holy creature and the offender Shall be fin'd five pound of Tobacco or one Shilling Sterling to the Lord Proprietary Drunkenness which is Drinking with excess to the notable perturbation of any organ of sence or motion and the offender shall forfeit to the Lord Proprietary thirty pound of Tobacco or five Shillings Sterling or otherwise shall be whipped or by some other Corporall Shame or punishment Corrected for every such excess at the discretion of the Judge Fornication which is unlawful copulation between parties not married and the offender or offenders shall be publicly whipped or otherwise pay such fine to some publique use as the Lieutenant Generall and Councell Shall impose Adultery which is unlawfull copulation where one partie is married and shall be punished as fornication but with a more painfull whipping or greivous fine Masters or Mistresses refuseing to give their Servants necessary or convenient food loding or Clothing or to performe such covenants for wages or otherwise as they are bound to do by their Indentures or the law of the province And the offender Shall be imprisoned till he or she find Sureties to performe the order of the Judge therein And the partie offending or convicted the second time shall lose his or her right and bennefitt of the Indentures and of the law or Custome of the Country and the Servant Shall be sett free (except the Master doe appeal to the County Court)

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Servants refuseing to performe the Lawfull Commands of their Masters or Mistresses or of their assigne or overseer or neglecting to doe the labour which they ought to doe or unjustly complaining against their Master or Mistress or offending any other wise against their duty or Indenture and the Servant so offending shall be publicly whipped or other wise Corrected at the discretion of the Judge working in Survile Labour upon the Lords day or other holy days published aforesaid and in the Church to be kept as holy without case of necessity to be allowed by the Judge and the Master Mistress or other freemen offending therein Shall forfeit thirty pound of Tobacco or five Shillings Sterling for his own default and thirty pound of Tobacco or five Shillings Sterling more for the fault of every of his Servants offending by his Command or Consent eating flesh in time of Lent or on other days (wednesdays excepted)

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wherein it is prohibited by the law of England without case of infirmitie to be allowed by the Judge and the offender Shall forfeit to the Lord Proprietary five pound of Tobacco or one Shilling Sterling for every such offence Shooting of three peices in the whole within half a quarter of an hour one of another (either by a Single person or in answer to another) without cause of alarum or not answering an alarum by three peices And the offender in either of these shall forfeit to the Lord Proprietarie ten pound of Tobacco for every peice so unlawfully shot off and twenty pound of Tobacco for not answering an alarm fishing at the Creek in St Georges hundred commonly called the Herring Creek with a Sceyne or other unlawfull nett and the offender Shall forfeit his nett or Sceyne to the partie complaining thereof. Provided that if any offender be questioned for any of these offences in the Admiraltie Court or County Court or before a Justice of peace that then such offender shall not otherwise be questioned or punished for the same then in Such Court which first questions the offender This Act to Continue till the end of the next geñall Assembly.

p. 21

An Act For the appointm^t
of Certaine Officers

Be it Enacted By the Lord Proprietary of this Province of and with the advice and approbation of the freemen of the same that the Lord of every Mannour within this Province (after any mannour Shall be erected) Shall yearly at the first Court Baron held after Michalemas in any year nominate and appoint some Inhabitant of the Mannour (not being of the Councill to be tithman of that Mannour who Shall execute all precepts and Warrants to him directed and Shall in all things have the like power within the said Mannour as a tithman hath or ought to have in any Mannour in England by the law or custom of England and if the person so nominated and appointed refuse to Serve in the said Office by himself or his Deputie he shall forfeit two hundred weight of Tobacco to the Lord of the Mannour and the Commander of every hundred or otherwise (if there be no Commander) the Lieutenant Generall of the Province for the time being Shall yearly at the first hundred Court in every hundred held after Michalemas in any year nominate and appoint some inhabitant of the hundred (not being of the Councill) to be high Constable of that hundred who shall execute all precepts and Warrants to him directed and Shall in all things have the like power and authority within the said hundred as a high Constable of any hundred in England hath or ought to have within his hundred

by the law or Custome of England And if the person so nominated Shall refuse to Serve in the said Office by himself or his Deputy he shall forfeit and lose to the Lord Proprietary five hundred weight of Tobacco and yearly at the first County Court held after michaelmas the Cheif Judge of the said Court shall nominate and appoint any Inhabitant of the County (not being of the Councill) to Be Sheriff and Coroner of the County who Shall execute or cause or oversee the execution of all Writts and warrants to him directed and Shall in all things have the like power and authority and Shall be chargeable with the same duty and Office within the County as a Sherrif or Coroner of any Shire in England usually hath or ought to have or is or may be charged with by the law or Custome of England And if any person so appointed shall refuse to Serve in the said Office he Shall forfeit and lose to the Lord Proprietarie two thousand weight of Tobacco And the said Sherrif Shall chuse one of his Servants (& in case he hath no Servant to accept thereof the Leiutenant Generall and Councill shall appoint some person) for the execution of all corporall corection shame or other punishment to be inflicted on the Body or pson of any one and if the person so chosen and appointed by the Leiutenant Generall and Cuncell shall refuse to Execute the said Office the Leiutenant Generall upon complaint thereof made unto him shall or may censure the person so refusing by Corporall shame or correction as he shall think fitt

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And the said Constable and tithman so to be appointed as aforesaid shall take an oath before the Commander of the hundred or otherwise before the cheif Judge of the County Court and the said Sherif and Coroner shall likewise take an oath before the Judge faithfully and dilligently to execute the said offices of tithman Constable or Sherrif and Coroner and to make true returne of all precepts writs and Warrants to them directed for the year next following This Act to continue till the end of the next Generall Assembly

An Act For the Governmant
of the Isle of Kent

Be it Enacted By the Lord Proprietary of this Province of and with the advice and approbation of the same that the Island commonly called the Isle of Kent shall be erected into a hundred & shall be within the County of St Maries (untill another County shall be erected of the Eastern shoare and no longer) and shall be called by the name of Kent hundred and the Commander of the said Island from time to time appointed

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by the Lord Proprietary or his Lieutenant Generall shall be a Justice of peace within the said hundred dureing such time as he is Commander with all power and authority to a Justice of Peace belonging by the laws of this Province and the said Commander shall appoint some one to be Clerk or Register for the Recording of all matters pertaining to that office and the said Commander and Register for the time being shall be a Court of Record and shall be called the hundred Court of Kent

And all matters and causes whatsoever civill or Criminall (except wherein the said Commander is a partie) happening or arising by or between any inhabitants of the said Island or wherein any Inhabitant of the said Island is deft and detirminable in the County Court shall or may be heard and determined by and before the said Commander in the said hundred Court and the said Court shall have power to use and exercise all the same and the like powers and Jurisdictions and and to issue and award all processe necessary for the bringing of any cause to a triall and executing of Judgment therein as may be used and exercised issued or awarded by or out of the County Court

And the said Processe or writts shall issue in the name of of the Lord Proprietarie with the test of the Commander and shall be signed by the said Commander or Register and shall or may be directed to the parties themselves or to the high
p. 24 Constable of that hundred from time to time to Be appointed by the Lord Proprietary or his Lieutenant Generall or the said Commander or otherwise to any other person where the said high Constable is a partie And the same or the like formes of proceeding shall be used and observed in this Court as is or may be used and observed in the County Court of St Maries by the laws of the province as neer as the said Commander and Register shall be able to Judge and all questions of law shall be decided by the said Commander (with advice of the Register) and all Issues of fact shall be tried by the Commander (if both parties Consent) or otherwise by any Seven or more freemen Inhabitants within the Island to be returned by the said high Constable and such Judgements Shall be given in all causes in this Court as are most agreeable to the laws of the Province or otherwise to the Judgments usually given in the same or the like causes in the County Court as neer as the said Commander with advice of the Register shall be able to determine

Add if any partie afore or after Sentence given shall appeal from the said Court and shall put in caution to pursue his said appeal at the next County Court or Court of Admiraltie (after notice thereof given unto him) and to pay treble damages to the defendant in the said appeal in case the Sentence given in

the said hundred Court be again affirmed Execution upon the Judgment so appealed from shall be respited till Certificate received from the County or Admiraltie Court that the said Sentence is affirmed and forthwith upon such appeal the Register of the said hundred Court shall deliver unto the defendant in the said appeal the Record of the Tryall or judgment in the hundred Court and the same proofs and no more or other then where produced by the appealant in the hundred Court shall be produced at the County Court except the Court shall think fitt to admitt of other proofs

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And to this end and for the further ease of the Inhabitants of the said Island Be it hereby provided that once at the least in every Year Yearly in the Month of October or November (and at any other time when it may be with the convenience of the Leiutenant Generall and Secretary) at or upon the desire or the demand of the Inhabitants of the said Island or of the greater part of them credibly Signified by Letter Message or otherwise to the Leiutenat Generall the said Leiutenant Generall and Secretary and such of the Councill as may be obtained to accompany them shall or may repair to the said Island and their hold a County Court or Court of Admiraltie, Chancery or Pretoriall for the full and finall dispatching of all matters and causes whatsoever wherein any of the Inhabitants of the said Island shall have use or need of the same Courts or any of them to which purpose the said Leiutenant Generall and Secretary so repareing to the said Island as afore and such of the Councill as shall be present in the Island and the Commander of the said Island or otherwise the said Leiutenant Generall Secretary and Commander shall be all or any of the said Courts within the said Island to all the same intents and purposes and with all the same power and Jurisdiction as any of the said Courts is hath or may or ought to be or have by the law of this Province.

Provided that toward the recompenceing and defraing the necessary pains and charges of such repareing to the said Island for holding the said Courts every house keeper of the said Island shall contribute to the expence of the said Voyage for every such time as the said Leiutenant Generall and Secretary Shall repair to the said Island at the request and desire of the Inhabitants as aforesaid This Act to Continue to the end of the next Generall Assembly

An Act For Fees

p. 26

Be it Enacted By the Lord Proprietor of this Province of and with the advice and approbation of the same That these

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To the Secretary of the Province and to his Clerk or the Register of the hundred Court of Kent for a Pattent of a Mannour threescore pound of Tobacco for a Pattent of a freehold from the Lord of the Province thirty pound of Tobacco for any Commission or lycence extraordinary twenty pound of Tobacco for registering the names of Adventurers or their Servants one pound of Tobacco per name for administring the oath of allegiance one pound of Tobacco per head to be paid by the partie himself or otherwise by his or her parent or Master for a pass five pound of Tobacco for the probate of a Will (where the testators Inventory is not Sufficent to discharge all Debts and legacy's) if the Inventory be under one thousand weight of Tobacco five pound of Tobacco if above one thousand weight and under five thousand ten pound of Tobacco if above five thousand weight twenty pounds of Tobacco and no higher where there is any remainder upon the Executers accompt (all debts and legacies defrayed) the Executor Shall pay for probate of the Will five pound of Tobacco for every hundred weight which the Inventory did amount unto untill the Inventory doe arise to two thousand weight in which case no higher fee shall be paid then for two thousand weight For Letters of Administration the like fee shall be paid as for the probate of a Will For taking an accompt ten pound of Tobacco for recording an Inventory ten pound of Tobacco for every leaf in folio for any process of Court or the drawing or entering any matter upon Record or the Copie or Certificate of any record five pound of Tobacco For Certificate of full Administration where there is any Remainder upon accompt ten pound of Tobacco

To the Clerk of the Chancery or the Register of any Court for the drawing issueing or entering or certifieing of any matter upon Record five pound of Tobacco

To the Sherrif Marshall or officer of any Court for Serving of an ordinary writt or for an imprisonment ten pound of Tobacco for serving a writt of Execution upon body or goods ten pounds of Tobacco (if the sune levyed exceed not five hundred weight of Tobacco) and if it doe then two pound of Tobacco for every hundred weight levied by the execution For warning of a Jury three pound of Tobacco for every cause tried by the Jury to be paid by the partie on whose side the verdict passeth

To the Marshall for laying by the heeles ten pound of Tobacco for whipping a Mallefactor twenty pound of Tobacco for burning in the hand or mutilation of a member fiftie pound of Tobacco for inflicting pains of Death one hundred pounds of

Tobacco to be paid out of the Estate of the partie punished or corrected if Sufficient distress may be had or otherwise by the quester of the province upon the account of the province

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To Each of the Serjeants or Marshalls of St Maries or St Georges band two pound of Tobacco Yearly per head to be paid by every house keeper of either of those bands for him or her self and for every one within his or her familie able to bear armes and to the Serjeant or Marshall of the Isle of Kent four pound per head

To the Surveyor twenty pound of Tobacco for every hundred acres within the plott Surveyed if it be above one hundred acres or otherwise half a pound of Tobacco for every acre Surveyed if it be under one hundred acres Provided that the partie whose land is Surveyed find boate and hands and all necessities to such Surveyor instruments excepted

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To the Coroner for veiwing a dead Body and burying it and holding his Enquest fourty pound of Tobacco to be paid of the goods of the partie whose body is viewed if there be Sufficient distresse or otherwise by the Questor of the Province upon the common accompt This Act to Continue till the end of the next Generall Assembly

An Act For the common defraying of
certain Publick charges

Be it Enacted By the Lord Proprietarie of this Province of and with the advice and approbation of the same that from and after the end of this Generall Assembly at any time or times as the Leiuten^t Generall and Councill of State for the time being Shall judge it necessary to make any publick expedition against any Indians or other profesed and declared enemies or Rebels within the province they shall chuse or appoint such person or persons whom they Shall think fit to be the Questor or Treasurer of that expedition which Questor shall provide all necessary provisions and defray all necessary expences and charges of such expedition by or upon any Warrants to him directed for that purpose from the said Leiutenant and Councill or any one of the Councill (if there be no more present at St Maries) and any person within the province pressed to goe upon the said expedition shall be allowed after the rate of one hundred pound of Tobacco per month for so long as he shall serve in or upon the said Expedition and the Serjeant provost Marshall or other officer shall be allowed after the rate of two hundred pound of Tobacco per month and every Vessell presed upon the service shall be allowed such fraite hire as shall be reasonably thought fitt by the Leiutenant Generall and Councill

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And Be it further Enacted that all charges necessary for the apprehending of felons or for the Imprisonment and punishment of delinquents or holding the Corroners Enquest or burying of the dead body shall be defrayed out of the goods and chattells of such felon delinquent or partie vewed by the Corroner and if there be not distresse Sufficient then they shall be defrayed by the said questor who shall put it to the accompt of the province and every one Mamed in any such publick expedition (so that he be disabled to work) Shall be put to cure by the Questor and till he be cured or otherwise able to work shall be meinteined upon the publick charge

And the said Questor or Treasurer shall at the first Generall Assembly next after such expedition or expeditions made or otherwise at the first County Court in October make and give in upon record an accompt of all his disburstments and so much as shall be allowed thereof by the said Assembly or otherwise by the said Leiutenant Generall and Councill at the said County Court shall be levyed upon all the Inhabitants of the province rateably to their personal Estates in such Manner and after such proportions as the said Generall Assembly or the said Leiutenant Generall and Councill shall rate and taxe the same This Act to continue till the end of the next Generall Assembly

An Act For the descending of Land

Be it Enacted By the Lord Proprietarie of this Province of and with the Advice and approbation of the Freemen of the same That a Widow immediately after the death of her husband (if She have no jointure) Shall be admitted Tenn^t p. 30 dureing her life to one third part of all the Land whereof her husband was seized any time dureing the Coverture (except in cases where she hath acknowledged a fine or joyned with her husband in making of Leases And she shall tarry in the cheif house of her husband during her widdowhood And where any person dieth seized of any Land the Gardian of the heir appointed upon the Will (if the heir be within the age of eighteen Years) may enter upon the Land and Shall be accountable for the reasonable proffits thereof to the heir when he cometh of Age. And when any person dieth seized of any Land without disposing thereof by Will the next heir of such person to whom the land ought to descend by the most generall custome or common law of England shall or may enter upon all the land whereof his ancestor died seized and if such next heir be not living or residing within the province the neerest heir living within the province and claiming the same may enter upon the land & hold it without wast or im-

peachment untill such next heir or neerer heir make claim and if such next or neerer heir make not clayme within ten years after the death of the ancestor such neerest heir liveing within the province Shall be admitted Tennant

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And if their be no guardian or heir liveing within the province to hold the land as aforesaid the Lord Proprietarie shall or may enter upon the Land (if it be immediately held from the Lord Proprietarie) or otherwise the Lord of whom the Land is holden and hold the same untill some heir to the partie deceased make clayme and then he shall be accomptable to the heir as a guardian ought to bee and if no clayme be made within three years then he shall hold it without account to his own use and if no clayme be made within ten Years from such death of the ancestor the Land shall escheat to the Lord of the fee p. 31

And where any next heir or neerest heir liveing within the province is within the age of eighteen years and no will of the ancestor hath appointed him a guardian the Judge of the County Court wherein the land lyeth shall appoint a guardian or Curator to the heirs person and Land either the Mother of the heir (if she be a Widow and living within the province) or otherwise the neerest of kinne to the heir liveing within the Province to whom the Land is not immediately to descend or if their be no such Mother or kindred residing within the province then such person or persons as the said Judge shall think fitt who shall hold the Land without wast or Impeachment and shall be accomptable to the heir when he cometh to live within the Province or to the age of 18 years for the reasonable proffitts thereof with such allowance for his pains as the Judge receiveing the accompt shall think fitt Provided That no escheat of any Land by Vertue of this act be to the Lord Proprietarie untill all lawfull demands upon the Land be satisfied to Creditors recovering and any Creditor of the deceased makeing such proof in Court of his demand as shall satisfie the Court of the truth and Justness thereof and alleading that there is not sufficient Distress of goods may be admitted to enter upon the Land untill the debt be Satisfied according to the Value of the land held as it Shall be appraised before the Sherrif by two indifferent Neighbours upon oath This Act to continue till the end of the next Generall Assembly

An Act For assuring of Titles to Land

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Be it Enacted By the Lord Proprietarie of this province of and with the advice and approbation of the freemen of the same that the Register of every Court Shall keep a book of

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Record in which he shall enter all grants Conveyances Titles and successions to Land whatsoever at the request of any one desiring the same to be entred And the Commander of any hundred may likewise keep a book of Record in which he shall or may enter all grants titles and Successions to any freehold within the hundred at the request of any one desiring it And the partie or parties makeing such request shall set forth the Special matter or title by which he claimes And if the partie claime by Law only as the widow for her dower the heire for his inheritance the Lord of the fee for his Escheat or the tenant by the Courtisie of Maryland for his wifes Inheritance the partie claiming shall averre or make such prooffe as the Court shall think fitt that he or she is the widow husband or heir of the last tennant upon record or that he or she is Lord of the fee and that the last tennant upon record died without heir

And if the partie clayme by matter of Record grant deed or legacie the partie clayming shall alledge the matter of Record or exhibite the grant deed or testam^t by which the clayms upon which clayme so entred the partie clayming may enter upon the Land so claymed if no other be possessed thereof

And at the next County Court or otherwise at the next hundred Court (if the land claymed be a freehold only) the Register of the said County or hundred Court shall proclaim and publish the said Claime of the partie and such proclamation shall be Continued and renewed in open Court once at least in every year for three years together and if within that Space no matter be alledged by any person to the Contrary the party claiming shall be entered Tenant upon Record to the Land so claimed & such entry upon Record shall be a barre for ever to all other persons whatsoever from claiming the said Land other then such as Shall clayme by from or under the partie so admitted upon Record

Provided that the nearest heir liveing within the Province and claiming or entring upon any Land shall not be admitted Tennant upon upon Record till after ten years according to the Statute in that behalf provided intituled An Act for the descending of Land and that the Lord Proprietor nor Lord of the fee shall not be admitted by Escheat for want of heirs liveing within the Province untill after ten Years likewise according to the Statute aforesaid any thing in this Act to the Contrary notwithstanding This Act to Continue till the end of the next Generall Assembly

An Act For Enrolling of Grants

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Be it Enacted by the Lord Proprietarie of this Province of and with the advice and approbation of the freemen of the same That no Grant Deed lease Conveyance or Estate hereafter to be made by the Lord Proprietarie or his heirs to any person or persons whatsoever of any Lands Tenements or hereditaments whatsoever or of any office liberty or franchise whatsoever within this Province (other then such as are or Shall be Law Established) Shall be of any force or validity in law to any intent or purpose whatsoever untill such grant deed Lease or Conveyance and the Warrant given or to be given under the hand and Seal of the Lord Proprietarie or his heirs for the passing and granting the same shall be enrolled by the Secretary of the said Province already nominated and appointed or by some other person hereafter from time to time to be nominated and appointed immediately by the Lord Proprietarie or his heirs under the great Seal of this Province or otherwise in want or absence of Such Secretary or other person appointed by the Lord proprietarie or then by some other person appointed by the Lieutenant Generall till the Lord Proprietary shall otherwise provide This Act to Continue till the end of the next generall Assembly

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An Act For the peopling of the Province

Be it Enacted And ordeined by the Lord Proprietarie of this Province of and with the advice and approbation of the freemen of the same That if any person or persons his her or their heirs to whom the Lord Proprietarie or his heirs shall hereafter grant or assure any Mannour Lands or Tenements within this Province Shall not at some time within the Space of three whole years together have so many able persons (being Christians) planted Settled or dwelling in or upon the same Land or some part thereof as are mentioned to be the Consideration of granting the same lands in the originall grant thereof made by the Lord Proprietarie or his heirs as well for the strength and Security of the plantation here as for the Service of the Lord Proprietary and his heirs that then and in every such case it Shall be lawfull for the Lord Proprietary or his heirs to grant or lease any part or parts of the said Lands so granted and unoccupied to any other person for a Life or Seven years and to receive the fine and first Years rent thereof This Act to Continue till the end of the next Generall Assembly

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An Act For Succession to Goods

Be it Enacted By the Lord Proprietary of this Province of and with the advice and approbation of the Freemen of the same That all Wills and Testaments made & published or to be made or published by any persons within this Province (and not afore proved) Shall be exhibited and proved by and before the Secretary of the province for the time being (or in want or absence of a Secretary) by any one of the Councill thereunto authorised or deputed by the said Secretary or by the
 p. 35 Leiutenant Generall) who Shall have power by Vertue of this Act to keep a Record and to use a lesser Seal for probates and other matters pertaining to his Office and to convent or cite any witness or other persons by processe out of the Chancery, to take recognisances to administer an oath or oaths to any parties or witnesses to determine touching the Validity or in Validity of Testaments and to do all other things necessary for such probate and for the makeing of Inventaries takeing of accompts and giveing of discharges of full Administration and for the recording the same

And where any person dieth intestate or in the nature of intestate the said Secretary or the Deputy as afore Shall committ the Administracōn of the intestates goods to the widdow of the Deceased (if there be any liveing within the province) and if there be none or that the Widdow refuse it then to the eldest Son or otherwise the eldest Daughter of the deceased (if there be any Capeable of that charge liveing within the province) and if there be none or that such eldest child refuse it then to the eldest brother or sister of the deceased intestate capeable thereof liveing within the province and if there be none or that such Brother or Sister refuse it then to the neerest of kinne capeable thereof liveing within the province and if there be none or that such neerest of kinne refuse it then to the greatest Creditor of the deceased clayming or accepting thereof

Provided that if the partie to whom the Administration is due by Vertue of this Act be in these parts at the time of the decease of such intestate partie and absent from S^t Maries such partie to whom the Administration is due shall be expected for two months to clayme and take the administration
 p. 36 and in the mean time the said Secretary or his Deputie shall take such order for saveing and preserveing of the deceaseds goods as to him shall seem most expedient

And further provided that where any one having right to the administration as aforesaid shall not undertake well and truely to Satisfie all the due debts of the deceased to all Creditors liveing within the province then no appraisement shall be made of any goods of the deceased neither Shall any

payment be made of any debts with or without of the said goods but the goods of the deceased shall be Sold at an outcry by the Sherrif and the said goods or the price thereof distributed equally among all Creditors recovering

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And if upon the accompt of the administracōn there remain any goods of the deceased intestate (after funerall expences debts and other charges defrayed) such remainder shall be devided into two moieties whereof one moietie shall be allowed to the widdow of the deceased intestate if there be any liveing within the province and the other moietie to the child of the deceased intestate or otherwise devided amongst the Children (if there be more then one) by equall portions And if there be no Child the whole remainder Shall be allowed to the widdow and if there be no widdow the whole shall remain to the Child or Children as afore

And if there be no child then the eldest brother or sister or neerest of kindred to the deceased intestate (living within the province) Shall succeed to the Childs moietie or otherwise to the whole remainder if there be no widdow, And if there be no widdow Child Brother Sister or kindred to the deceased intestate liveing within the province the said remainder Shall be deposited in the Administ^{rs} hands to employ the same at his discretion untill the widdow Child or Children brother sister or kindred of the deceased intestate claime the same and if any one make claime within two years after the death of such intestate the Administrator shall be accomptable to the Value of the Stock deposited with such reasonable consideration for his pains as the said Secretary or his deputie shall think fitt and if no claime as aforesaid be made within the time afores'd such remainder shall be employ'd upon such publique uses as the Lord Proprietarie or his Lieutenant Generall with the advice of the Councill shall think fitt And if the person haveing right or makeing claime to succeed to the goods of any one deceased intestate or in the nature of intestate be an orphan that is within the age of fourteen Years the father of the orphan or otherwise the Mother of the orphan (dureing her widdowhood) Shall be appointed Guardian of the orphans person or goods and if such orphan be above the age of fourteen Years such orphan shall chuse his or her guardian till the orphan attein to the age of eighteen years and the said partie taken such charge his or her execut^{rs} and Administ^{rs} shall be accomptable to such orphan when he or She cometh to the age of eighteen years for the whole stock comeing to Such guardians hands and entred upon the Record of the said Secretary and in the mean time shall allow Yearly toward the orphans education such convenient allowance as the said Secretary or his Deputy Shall appoint This Act to Continue till the end of the next Generall Assembly.

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An Act For Recovering of Debts

Be it Enacted By the Lord Proprietarie of this Province by and with the advice and approbation of the freemen of the same That the Complainant in any action of debt upon book or accompt Shall or may sue his booke or accompt at the first County Court or at the hundred Court of Kent in October or any time after

And the Complainant in any action of Debt after his action entred in the booke of the Register of the said County or hundred Court and after such Caution given given for prosecuting of the cause and performing the Sentence of the Court to be therein given (as shall be reasonably desired of him) Shall or may have a præcept under the hand of the Register of the hundred Court of Kent or otherwise a writt out of the Chancery directed to the defendant containing the whole Tenor or effect of the plaintiffs bill and commanding the said defendant to under write his answere to the said bill and to bring or send it so underwritten into the said County or hundred Court or to deliver it to the plaintiff or to come to enter his answere in the Registers book (within a reasonable time limited) or otherwise to be at the next County or hundred Court (nameing the certain time and place) (to make answere to the said bill) and to bring with him his Witness accompts and all muniments necessary for his defence upon pain of haveing judgm^t proceed against him at the said Court in punishm^t of his contumacie And further prohibiting the said Defend^t to pay away sell give discount release or any way dispose of any his Tobaccos Cattell corne Servants debts or other goods or Chattells remaining at that time in his right and propertie within the County or otherwise within the hundred of Kent) untill upon triall of the cause or Satisfiing the Complainant or Securing the Complain^t or Secureing the Register for the satisfying of the said bill or the judgm^t to be given therein) such attachm^t be Superceeded or released by a tickett from the Register or by a discharge of the plantif And if the defend^t (being lawfully served with the said precept or writ) or any other by his procurement or with his privity or consent shall afterward pay away sell give discompt release or any way dispose of any his Tobaccos or other goods or Chattells being or remaining (at the time of the writt served) in his right and propertie before such release or discharge obtained from the Court or Complain^t as aforesaid such disposure shall be voyd in law (except only it shall be good against the partie or parties to whom and to whose use they were so unlawfully disposed of and Consenting to such unlawfull disposure of them) and the Tobaccos and other goods so unlawfully dis-

posed of shall be delivered in execution to the partie recovering by Judgment of Court (any such unlawfull disposure notwithstanding) And another precept or writt of Attachment as the former may likewise be taken out of the Chancery or hundred Court of Kent directed to all or any the debtors of the defendant named upon the writt commanding them and every of them to detein in their hands all such Tobaccos or other goods as are by them due or owing to the defendant (naming the said defendant & the debt or debts demanded or alledged by the plantif) untill leave or discharge of or from the Court or the plantif as afore upon pain of paying all such damages to the plantif as the plantif shall incurre through such parties unlawful payment or disposure of the said debts after the writt served upon him And the Debtor or Debtors served with the said writt shall (within a time limited upon the writ) underwrite their answer to the said Demand or allegation of the plantif or bring or send it into the Court or enter it in the Registers book or deliver it to the plantif and if such Debtor or Debtors doe upon his or their answer deny the Debt or debts alledged by the plantiff to be in his or their hands due to the defendant he or they so denying shall be put to their oath in Court how much is owing to the Defendant by him or them And Tobaccos and all other goods and Chattells shall be judged to be and remain in the right propertie and dominion of the owner or planter possessed thereof untill lawfull delivery thereof made to another (to the end to invest the receivor or him for whose use it is received in the propertie thereof) or untill the owner or planter possessed thereof be served with the said writt of attachment before appointed (and then the propertie shall be out of such owner for as much as concerns the aliening or disposing of them but they shall still remain his proper goods to any other effect as to be attached by any other complainant or to be extended in execution or the like) or untill seisure be made thereof by the sherif or other officer upon an execution And all precepts or writts directed to any parties shall be judged sufficiently served if it be delivered to the partie or parties to whom it is directed or to any of his family to deliver it to him or be left at his house in the sight of the partie himself or of any person belonging to his family with charge to give the partie notice thereof

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And where the defendant in any action of debt shall without fraud or Covin between the parties) acknowledge or confes the plantifs bill the said plantif (if the defendants answer be of Record or otherwise upon affidavite (of one wittness beside the plantif) made that such acknowledging or confessing of the bill under the hand of the defendant is the very and true hand and answer of the defendant) shall or may have execution for

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levying of the said demand or so many thereof as shall be so acknowledged and confessed by the defendant And if the defendant by himself or his Attorney shall deny the demand of the plantif and the plantif have no bill speciality or wittness of his demand the partie plantif (if the Court shall think fitt the worth and Credit of the plantif considered) by himself or his attorney (authoris'd thereunto specially by the plantif may be admitted to make oath of the truth of his book accompt or principall debt demanded which oath so made shall be a sufficient evidence to the Jury or otherwise to the Court (if the tryall be by the Court) to convict the defendant of the said principall debt or demand so affirmed by oath or otherwise the Defendant shall or may be admitted to wage his law in such manner as the Court shall appoint And if the defendant shall not return bring send deliver make or enter his answer within the time within the time appointed in the writt or at the time so appointed shall not (by himself or his attorney sufficiently instructed to make his defence) appear upon summons there made in the Court the Court upon affidavit made that the defendant was lawfully served with the said writt shall or may award such Judgm^t in the said cause either in behalf of the plantifs bill or in giveing damages to the plantif or otherwise giveing further day to the defendant as the Court shall think fitt

P. 42 And in case where the defendant is absent out of these parts or hath no certain dwelling or familie or so hideth or absenth himself from his dwelling that processe as afore may not be served upon him the complainant makeing such prooffe of his demand as shall satisfie the Court of the truth & justness thereof and giveing caution for the satisfeing and restoreing to the defendant (at such time as the defendant shall enter his appearance in the Court) all costs and damages which shall be given or awarded to the defendant by reason of any unjust procecution of the plantif shall or may sue and take out of the Chancery or hundred Court of Kent a writt of attachm^t or of execution for such Value and in such manner upon the goods or debts of the defendant within the province as the Court shall think fitt

To which purpose a writt of execution (in like manner as a writt of attachm^t before) may be sued and taken out of the Chancery or hundred Court of Kent directed to any the debtor or debtors of the partie against whom any recovery is had in Court naming the said Debtor or Debtors and the debt or Debts by them acknowledged upon Record or recovered by Judgm^t of Court and Commanding them and every of them to deliver or be accomptable to the partie recovering for all such Tobaccos as are in their or any of their hands to the value

of the sume recovered and all Tobaccos or other goods delivered or accompted for by such debtor or debtors by vertue of the said writt shall be discompted to the partie against whom the recovery is had and such delivery or accompt shall be a lawfull and absolute discharge to such debtor or debtors so delivering or accompting as aforesaid against his or their Creditors for so much as shall be so delivered or accompted for Or otherwise such writt or precept of execution may be directed to the Sherif or high Constable or other officer to levir the said debts acknowledged or recovered upon any the goods of such debtor or Debtors against whom such execution is sued & taken out And in case it shall happen that two or more executions be served upon the same goods such execution shall be first levied w^{ch} was first served But if afore any execution served any recovering by Judgm^t of Court shall Enter a Cavet in the County or hundred Court or alledge or suggest that the goods of the partie against whom the execution or executions are awarded are not Sufficient to satisfie his debt recovered to the said partie so alledging or Suggesting if other executions be served afore him no execution shall be granted in that case to one or more or if any be granted and not Served they shall be superseeded and revoked and a writt of Partition shall be directed to the Sherif requireing him to devide the goods and Chattels of such partie named upon the writt among all the parties recovering by judgm^t of Court accord to the proportion of their recoveries which together with their names shall be specified severally upon the said writt (except that all debts and accompts to the Lord Proprietarie in his own immediate right without assignm^t otherwise growing due then by fine or forfeiture onely shall be paid afore debts due to other Creditors and all Fees payments and contributions due to publick uses Judges and Officers by any act of assembly shall be paid afore other debts and all Debts due to any Inhabitant of the province shall be first Satisfied afore forreiners debts and that all debts growing due for wine hot waters or other licquors shall be paid in the last place after all other debts are satisfied and not afore

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And where an execution is Served upon ones Servants corne Cattell or any other goods or Chattells or upon the body or person of any one the Sherif or other Officer to whom the writt is directed shall cause the said corne cattell or other goods or Chattells to be sold at an outcry or otherwise appraised or valued upon oath in Tobacco (if the recovery be in Tobaccos or otherwise in corne beaver cattell mony sterl^e (or otherwise according as the recovery is) by two freemen of the County or hundred indifferently chosen by the Sherrif or other officer to whom the writt is directed and all or so much of the said goods

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as (at the rates appraised) shall satisfie the Summe recovered he shall forthwith deliver in execution to the partie or parties recovering & the overplus shall render again to the owner

And where there is not sufficient distresse of goods the partie himself or any his Servants attached shall be either sold at an outcry or otherwise his service valued and appraised by the month as before and delivered in execution to the partie or parties recovering according to the severall proportions of their recoveries to be his or their Servant so long as untill the execution be satisfied according to the rate of the parties or servants labour appraised as before and the greatest Creditor recovering shall have first execution upon the body of such partie or servant attached and so the rest in order according to the value of the debts recovered

Provided that any defendant served with a writt of execution or partition as afore & and not haveing sufficient Tobacco to pay & satisfie all Creditors recovering shall or may tendure any corne (of English planting) in steed of the Tobaccos to be levyed by the writt and such corne shall nor may be refused by the Sherif or partie recovering for good and lawfull paym^t reckoning one barrell of such Corne for or in steed of thirty weight of Tobacco And further provided that after ten days
p. 45 after any Tobaccos shall be struck and casked and notice thereof given to any Creditor to whose use they are intended to be paid and demand made to him to weighe and receive the same it shall be lawfull to and for the planter or owners of such Tobaccos so struck and casked (if the Creditor shall not within the said ten days weigh and receive the same to call one or two indifferent neighbours being freemen and in their presence to marke the Cask wherein such Tobaccos are to the use of any Creditor so demanded as aforesaid and neglecting to receive the same and to weigh the said Cask and to mark the weight thereof upon the head of cask after which time the Cask so marked and weighed shall there remain at the hazard and perill of such Creditor to whose use they were so weighed and marked and the Tobacco Shall be received according to the weight marked upon the head thereof as aforesaid This act to continue till the end of the next Generall Assembly

An Act For Treasons

Be it Enacted By the Lord proprietarie of this Province of and with the advice and approbation of the freemen of the same That these offences following in this act shall be adjudged offences of Treason within this Province To Compassse or conspire the death of his Majestie the King of England or

the Queen his wife or of his son and heir or to levie warre
against his Majestie or to counterfeit the Kings great or privy
Seal or his coin or to come or adhere to any forreine prince or
State being a professed and declared enemy of his Majesties in
any practice or attempt against his said Majestie

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Or to Compass conspire and cause the death of the Lord
proprietarie within this Province or of his Leiutenant Generall
for the time being (in the absence of the Lord Proprietarie) or
to levy warre against the Lord Proprietarie or his Leiuten-
Generall for the time being (in absence of the Lord proprietarie
or to come adhere or confederate with the Indians of these
parts or any forreing prince or Governour to the invadeing of
this Province or disheriting the Lord Proprietarie of his Seignory
and dominion therein And all offences of treason shall be
punished by drawing hanging and quartering of a man by
drawing and burning of a Woman and the offenders blood
shall be corrupted and the offender shall forfeit to the Lord
Proprietary all his or her Lands tenements goods franchises
and all that may be forfeited Provided That punishment of
death shall be inflicted on a Lord of a Mannour by beheading
This Act to Continue to the end of the next Generall Assembly.

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An Act For felonies

Be it Enacted By the Lord Proprietarie of this Province of
and with the advice and approbation of the freemen of the
same that these offences following in this act shall be adjudged
to be felonies within this Province that is to say homicide Blood-
shed committed by assault upon the pson of the Leiutenant
Generall or to shed the blood of any Judge sitting in the Court
Burglary Robbery Polygamie Sacriledge Sorcery Petit treason
Sodomy and Rape alsoe it Shall be adjudged felonie within
this Province to commit Idolatry which is the worshipping a
false God or to commit blasphemy which is acursing or wicked
speaking of God. or to commit perjury which is false witness
against an others life or to sell give or deliver to any Indian or
to any other declared or professed enemy of the Province any
gunne pistol powder or shott without the knowledge or lycence
of the Leiutenant Generall or to teach any other Indian or
other declared enemy of the province the use of the said
armes or the makeing thereof

And the offender in any of those felonies shall suffer pains
of death by hanging and shall forfeit to the Lord Proprietarie
all the land whereof the offender was seized within the Pro-
vince at the time of the offence committed (saveing to the wife
or widow her Dower and to the heir his or her inheritance if

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Provided that in offences which are petit Treason the punishment of death shall be inflicted by drawing and hanging of a man by burning of a woman and that in the offences of sorcery and blasphemy and Idolatry the punishment of death shall be inflicted by burning and the accessaries to any of these felonies afore the felonie committed shall be punished as the principals This act to endure till the end of the next Generall Assembly.

An Act allowing booke to certain Felonies.

Be it Enacted By the Lord Proprietarie of this Province of the same that these offences following in this Act shall be adjudged felonies within this Province Man slaughter Malicious trespasses as to burne or destroy willfully a house or stack of corne or Tobacco or to cutt out anothers tongue and the like mischeifs done to another out of pure malice Forgery which is the willful embesilling or corrupting of a Record meere contempts with force as to assault or beat the Leiuten^t Generall of the province for the time being or to assault or beat any Judge sitting in Court or Wittness or Juror in presence of the Court Accessaries to felonie after the felonie Committed which is the receiving hiding or rescuing of a Felon knowing him to be one (except it be the felons wife) or the receiveing of Stolne goods knowing them to be stolne Stealth of ones self which is the unlawfull departure of a Servant out of service or out of the Colony without the privity or Consent of the Master or Mistresse

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And the offender in these felonies or any of them shall suffer pains of death by hanging except the offender can read Clerk like in the judgment of the Court and then the offender shall lose his hand or be burned in the hand or forehead with a hot iron and shall forfeit all his or her lands at the time of the offence committed (Saveing to the wife or widow her dower and to the heir his or her inheritance if clayme be made thereof by the said widow or heire within three years after Judgm^t given and saveing likewise to the Lord of the fee his escheat after a year and a day (and Shall further forfeit all his or her goods & Chattells whereof the offender Shall be possessed at the time of conviction and the offender Eftsoons—againie offending in any the said offences of felony shall for such second offence suffer pains of death and shall forfeit all his or her lands goods & Chattells to the Lord Proprietary (Saveing to the Widow

heire & Lord of the Fee their rights as aforesaid) This Act to
Continue till the end of the next generall Assembly

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An Act Determining Enormious offences

Be it Enacted By the Lord Proprietary of this Province of
and with the advice and approbation of the same that these
offences following in this act and and no other shall be judged
enormious offences within this province that is to Say Perjury
which is false answere or wittness given upon oath in a Court
of Record not to the endangering of anothers life Subornation
of perjury which is the hiring or perswadeing of another to
commit such perjury Conspiracie which is unlawfull combination
of two or more persons against anothers life fame or goods
Scandalous or contemptuous words or writings to the dishonour
of the Lord Proprietarie or his Leiutenant Generall for the time
being or of any of the Councill Excerseing within the province
any jurisdiction or authority which ought to be derived from
the Lord Proprietary without lawfull power or Commission
from or under him Contempts & misdomenors against lawfull
ordinances or proclamations Abuses of publique Judges or
Officers Unlawful Assembly which is the disorderly meeting of
three or more persons in a Company to commit with force an
unlawfull Act Forgery which is the Counterfeiting of deeds or
to acknowledge any fine deed recognisance or bill in the name
of another not privy or Consenting to the same Deceit or cose-
nage which is the damageing of another by some undue slight
false news which is the Spreading of false reports to the dis-
turbance of the peace or duety of the people Bribery which is
the accepting of or contracting for a reward for doeing Justice
Extortion w^{ch} is the takeing or demanding greater fees then
are limited by the law in such things as are by law provided for
Oppression which is the undue use of power and authority to
the unjust greivance of another Useing false weights or
measures Tendring in paym^t unsound Tobacco and such un-
sound Tobacco Shall be burned All injuries done to an Indian
in person or goods Servants marrying without giving satis-
faction to the Master or Mistress harbouring by Night or
Clokeing of anothers Servant without the knowledge and Con-
sent of the Master or Mistress Transporting out of the
Province or over the Bay of Chesopeak or among the Indians
without pass from the Leiutenant Generall or the Secretary for
the time being or the Commander of the Isle of Kent) any
Servant or any person indebted or obnoxious any way to the
justice of the province knowing or haveing reason to know or
Suspect him to be so ingaged or obnoxious or haveing notice

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given that he is so provided that no passe shall be given till publique notice given as aforehand of the person desireing such pass and of his intent to depart out of the place or till after Security given for the payment of all debts within the province or till after pardon of any fault whereof he is chargeable nor shall be given by the Leiuten^t Generall or Secretary till after the said Condiçōns performed at Kent nor by the Commander of Kent till after the said Conditions performd at S^t Maries Forestalling Ingroseing This Act to Continue till the end of the next Generall Assembly

An Act what persons shall be
called to every Generall Assembly

Be it Enacted By the Lord Proprietarie of this province of and with the advice and approbation of the freemen of the same that from henceforth for ever everyone being of the Councill of this Province and any other Gentleman of able judgment and quality Summoned by Writt & (the Lord of every Mannour within this Province after Mannors be erected) Shall or may have his voice seat and place in every Generall Assembly to be hereafter called in this Province & Shall be called by Summons or writt unto the same And alsoe Be it
p. 51 further Enacted by the authority aforesaid that from henceforth forever after Such time that any Summons or writt shall issue for the calling or Summoning a general Assembly of the freemen of this province the Commander (or in defect of a Commander the high Constable of every hundred within this province or (in defect of a Constable) the Sherrif of the County shall within every hundred summon all the Freemen Inhabiting within every hundred (as soone as Conveniently may be) to Assemble at a certaine place and time to be by him appointed and prefixed which freemen so Assembled (or the major part of them) shall Elect and chuse some one, two or more able and Sufficient men for the hundred (as the said Freemen or the major part of them so Assembled shall think good) to come to every such Generall Assembly at the time and place in such writt or Summons limited and appointed then and there for him or themselves and all the Freemen of the hundred and in their names and stead to consult concerning the affairs of this province and shall make a return in Writing of the name or names of the persons so to be from time to time elected and chosen and Such person and persons so to be from time to time Elected and Chosen shall and may have a voice place and seat in every such Generall Assembly And from henceforth such

person or persons only so elected and chosen out of and for every hundred within this province (and such persons as shall be personally called by writt as afore) Shall have a place voice and Seat in all or any Generall Assembly hereafter to be held within this province And every act and ordinance made in such Generall Assemblies by persons so called elected and chosen as aforesaid or the major part of them and assented to by the Lord Proprietarie or his heirs Lords and proprietaries of this province or by his or their Leiuten^t Generall (thereunto authorised by Special warr^t from the said Lord Proprietary or his heirs) shall be judged, deemed and taken to be of as good force and strength and as effectuall to all intents & purposes as if the Lord Proprietary himself & all the freemen within the said Province had been personally present at such Generall Assemblies and had consented to and approved of the making and enacting of such laws and Ordinances Provided that all acts approved by the Freemen and by the Leiuten^t Generall in the name of the Lord proprietarie as aforesaid shall be of force untill the Lord proprietarie shall Signifie his disassent to the same under the great Seal and no further or longer

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An Act concerning the calling of General Assemblies

Be it Enacted By the Lord proprietarie of this province of and with the assent and approbation of the freemen of the same that from and after this general Assembly shall be dissolved a general Assembly of the freemen of this province shall be called & Summoned once in every three Years at the least to consult of the affairs and publique good of this province and for the enacting of Laws & ordinances for the better Government of the same And that the said Freemen so assembled shall from and after the Summoning of such Assembly and Assemblies untill the dessolution of the same have the like power priveledges authority and Jurisdiction in all causes and matters arriseing or to arise or happen within this province as the house of Commons within the Realm of England at any time heretofore assembled in that Kingdom have had used or enjoyed or of right ought to have use or enjoy in about or concerning any matters things and causes whatsoever which have at any time happened or risen within the Realme of England This Act to Continue till the end of the next Generall Assembly

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An Act for the building of the Towne house

Be it Enacted By the Lord Proprietary of this Province by and with the advice and approbation of the Freemen of the

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same that at such time and place as the Leuten^t Generall & Councell shall think fitt there shall be a Towne house built in such manner as the said Leuten^t Generall and Councell shall think fitt And every house keeper inhabiting within the province shall be Contributory to the said building either in stuff workmanship labour or Tobaccos in such manner and after such rates proportionably to each mans personall estate (to be valued by the said Lieutenant Generall and Councell) as the said Lieutenant Generall and Councell shall assese or impose Provided that the whole charge thereof amount not to above Six thousand weight of Tobacco in the whole province and that no man (artificers excepted) be pressed to labour at the said building before November or after February in any yeare And provided that artificers and labourers have such rates for their work as are reasonably used within the Colony

An Act For publique ports

P. 54 Be it Enacted By the Lord Proprietarie of this province of and with the advice and approbation of the freemen of the same that no person shall lade or put aboard any vessel any goods or Commodities or Merchandises to be exported out of the province nor shall unlade any goods imported into the province but only at or in such Creeks and ports as shall be from time to time appointed by the Lord Proprietary or his Leuten^t Generall for the time being upon pain that every person offending to the contrary hereof shall forfeit all goods and Commodities laded or unladed or or attempted to be laded or unladed Contrary to the intention of this present Act This act to Continue till the end of the next Generall Assembly

An Act That all Accomptants to the Lord proprietarie accompt upon oath

Be it Enacted By the Lord Proprietary of this Province by and with the assent and approbation of the Freemen of the same that all and every person or persons who shall hereafter at any time make any accompts or any entry of or for any money goods commodities or Merchandises whatsoever to or for the use of the Lord proprietary or his heirs unto or with the Secretary of this Province for the time being or unto any other officer or Minister of the Lord Proprietary or his heirs appointed or to be appointed to receive or to take such accompts or to make such entry shall at the time of such accompt or entry to be made take his Corporall oath that

such accompt or entry is true and just & that such person or persons so accompting or makeing entry of or for any many goods or Merchandises whatsoever hath or have not Concealed any commodities whatsoever from the knowledge of the said Secretary officer or Minister of the Lord proprietarie or his heirs which ought or are intended to be accompted for or entred by such person or persons so accompting or makeing any entry as aforesaid And that the Secretary of this province for the time being or any other officer or Minister of the Lord proprietarie or his heirs for that purpose appointed or to be appointed shall from time to time have power by force of this act to administer an oath unto all and every person & persons so accompting or makeing any such entry as aforesaid This Act to Continue till the end of the next Generall Assembly

Liber
C & W H

p. 55

An Act For Military Discipline

Be it Enacted By the Lord proprietarie of this province by and with the advice and assent of the Freemen of the same that every house keeper or housekeepers within this Province shall have ready continually upon all occasions within his her or their house for him or themselves and for every person within his her or their house able to bear armes one Serviceable fixed gunne of bastard muskett boare one pair of bandeleers or shott bagg one pound of good powder foure pound of pistol or muskett shott and Sufficient quantity of match for match locks and of flints for firelocks and before Christmas next shall also find a Sword and Belt for every such person as aforesaid And it shall be for the Captain of St Maries band or the Commander of the Isle of Kent their or either of their Serjeant or Marshall once in every month to demand at every dwelling house within their Severall districts a Sight or view of the said armes and ammunition and to certifie the Defaults therein to the Captaine or Commander who shall thereupon amerse such partie or parties so deficient in such paine as the defect shall deserve in his discretion so it exceed not thirty pound of Tobacco for one default and all amerciam^{ts} so imposed shall be paid to the said Serjeant or Marshall to his or their own use

p. 56

And the said Captaine or Commander shall Forthwith furnish or Supply the partie or parties deficient with all such necessary armes and ammunition as are afore appointed & shall impose any price upon the same not extending to above double the value of the said armes and ammunition according to the rate then usual in the Country

And upon any alarm every householder of every hundred haveing in his family three men or more able to beare armes

Liber
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shall Send one man completely armed for every such three men and two men for every five and so proportionably to such place as shall be appointed or notified by the Commander or high Constable or other Officer of the hundred and the house houlders within S^t Maries hundred Shall send there men as afore to the Chappell yard neere the fort except any other place be appointed by the Lieutenant Generall or the Captain for the time being. And every householder delaying to Send such man or men according to the order aforesaid for longer time then the man or men might Conveniently have been sent shall be fined in the pretoriall Court according to the nature of the offence or Contempt This Act to Continue till the end of the next Generall Assembly

An Act For a ferry upon S^t
Georges River

Be it Enacted By the Lord Proprietarie of this Province of and with the advice and approbation of the Freemen of the same that for the more safe and commodious passage of people to and fro over S^t Georges River the Leiuten^t Generall shall appoint such person or persons as he shall think fittest to keep
p. 57 and Continue or cause to be kept a ferry boat or boats for that purpose which said boat or boats shall cary or fetch from one side of the River to the other any one or more persons desiring or demanding to be carried or fetched over at all hours of the day between day break and twilight And the owner of the said ferry boat or boats dwelling on one side of the River shall appoint or sett up some marke or Signe by which any one demanding to be fetched over may Signifie such his or their demand And for the defraying of the charge of the said Ferry every person passing in the said ferry boate or boats shall pay to the owner thereof one pound of Tobacco for every such passage or waftage over and if it be a Child or Servant the Master or parent of the said Child or Servant employing him or her upon his business is to pay the said waftage hire

And no person whatsoever other then the owner of the said ferry boat or boats so as afore appointed or his Servant or Servants shall waft or passe any person over the said River for any gift reward or hire whatsoever upon paine of paying such damages to the said owner as the Judge of the County Court shall think fitt And all questions causes & defaults whatsoever touching the said Ferry and the due keeping thereof by the owner of the said boats and the levying of duties toward the meinteinance thereof shall be decided and censured

in the Admiraltie Court This Act to Continue till the end of
the next Generall Assembly

Liber
C & W H

An Act For Planting of Corne

Be it Enacted by the Lord Proprietarie of this province by
and with the advice and approbation of the Freemen of the
same That every person inhabitant of this Colony planting
Tobacco shall yearly at the season plant and tend or cause to
be planted and tended two acres of Corne for his own food and
two acres of Corne more for every person in his family plant-
ing Tobacco upon pain of forfeiting to the Lord proprietarie
five barrells of Corne or of other Commodities to the value
thereof for every two acres of Corne wherein he shall make
default to the Contrary thereof This Act to Continue till the
end of the next Generall Assembly

p. 58

An Act For Measures and weights

Be it Enacted By the Lord proprietarie of this province of
and with the advice and approbation of the freemen of the
same That within one month after the end of this Assembly
there shall be one standard measure throughout the province
as shall be appointed by the Lieutenant Generall and after the
said Month no man shall sell by any other measure than what
is Sealed by the Leuten^t Gen^eall or some person appointed by
him to that purpose according to the measures of that Standard.
And no more shall be paid then three pounds of Tobacco for
the sealing of one measure And all contracts made for
paym^t in Corne shall be understood of Corne shelled & a bar-
rell of new Corne tendred in payment at or afore the fifteenth
day of October in any Year shall be twice shaken in the barrell
and afterward heaped as long as it will lye on and at or before
the feast of the nativeity shall be twice shaken and filled to the
edge of the barrell or else not shaken and heaped as before
And after the said feast it shall not be Shaken at all but
delivered by Strike

And within three Months after this Assembly is ended no
man shall sell or receive any Tobacco or other goods by
Steeleyerds or other weight not Sealed by the Lieutenant Gen-
erall or persons appointed by him as afore (after such person
with such seal shall be appointed) except it be small weights
sealed in England And no more shall be demanded for seal-
ing of a pair of Steeleyards or other grosse weight then the
fee afore appointed for sealing of a measure This Act to
Continue till the end of the next Generall Assembly

p. 59

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C & W H

An Act Limiting the times of Servants

Be it Enacted By the Lord proprietary of this province of and with the advice & approbation of the freemen of the same That all persons being Christians (Slaves excepted) of the age of eighteen years or above and brought into this province at the charge & adventure of some other person shall serve such person at whoes charge and adventure they were so transported for the full terme of foure years only to commence from his or their Arrivall in the province (except any other time were contracted for by Coven^t And the Charge shall be accompted and adjudged that persons by whom or whose order the passage money was paid to the Master or Merchant

And all persons under the age of eighteen yeeres transported into this province at the charge and adventure of some other person shall serve such person at whose Charge he or they were so transported untill such person or persons so transported shall be of the full age of four and twenty Years (except likewise any other time were Contracted for by Covenant)

And every maid Servant being Christian except before excepted) of the age of twelve Years old or under shall be bound to Serve the partie or parties transporting her or them for Seven Years and if she above the age of twelve Years She Shall serve for four Years only (except it were otherwise conditioned by Covenant) and at the end of any the said termes of Service expired the Master or Mistress of such Servant (at the time when the said term is expired) Shall give unto such man or maid Servant such Conditions as were Covenanted by the Indentures or first Covenants or (in default of such Covenant shall give unto them three barreles of Corn a hilling hoe and a weeding hoe and a felling axe and to a man Servant one new Cloth sute one new Shirt one pair of new Shews one pair of new Stockins and a new monmoth Capp and to a maid Servant one new petty coat and wast coat one new smock one pair of new Shoes one pair of new stockings and the Cloths formerly belonging to the Servant This Act to Continue till the end of the next Generall Assembly

An Act For a Custome upon certain Tobaccos

For the better Support of the Lord proprietary of this province Be it Enacted By the said Lord proprietary of and with the advice and approbation of the freemen of the same that upon all Tobaccos Shipped or to be Shipped within this province to be exported out of this province to any port or Country (England Ireland and Virginia excepted shall be

levyed unto the Lord proprietarie and his heirs a Custome of five pounds of Tobacco for every hundred weight of Tobacco so shipped or to be Shipped and that no owner of any Tobacco servant Factor or Merchant attempt to Ship or export any Tobacco to be transported as aforesaid before such time as such owner factor or Merchant Shipping or attempting to Ship such Tobacco have made a true & perfect entry of the same in the booke of the Collector of the Lord Proprietary to be kept for that purpose and have satisfied the said five pounds of Tobacco for every hundred weight to be exported as aforesaid or otherwise contracted with or secured the Collector for the same upon pain of forfeiture of all Tobaccos w^{ch} Shall be shipped or attempted to be shipped to the contrary hereof before such true and perfect entry made and such Custome satisfied Contracted for or Secured as before is limited & appointed

Liber
C & W H
p. 61

Memorandum That at the first meeting of the Assembly on the 25th day of February 1638 was Enacted and ordeined one Act as followeth

An Act For the Establishing the house of
Assembly and the Laws to be made therein

Whereas The Kings Majestie by his Letters pattents hath given and granted full free and absolute power and authority to the Lord proprietary of this province to make and ordeine any laws appertaining to the state of this Province by and with the advice assent and approbation of the freemen of the same or of the greater part of them or of their Deligates or deputies and to that end to Assemble the said Freemen or their deligates or deputies in such sort and forme as to the said Lord proprietary should seem best By Vertue Whereof Severall writts or Summons have been directed to certain Gentlemen to appear personally at this Assembly and to the rest of the freemen inhabiting within the Severall hundreds of this Colony and the Isle of Kent to elect their delegates or deputies in their names and steeds to be present at the same and accordingly all the freemen of the said severall hundreds and of the Isle of Kent (some few excepted) have elected certain persons to that end and the same their Election have subscribed and returned upon record and their said Dellegates and Deputies are now assembled accordingly. Be it therefore Enacted and ordeined by the said Lord proprietarie of and with the advice assent and approbation of the Freemen and of the delegates and deputies

p. 62

{Liber
C & W H

 assembled at this present Assembly that the said Severall Persons so elected and returned as aforesaid shall be and be called Burgesses and shall supply the places of all the freemen consenting or subscribing to such their election in the same manner and to all the same intents and purposes as the Burgesses of any burrough in England in the Parliament of of England useth to Supply the place of the Inhabitants of the Burrough whereof he is Elected Burges and that the said Gentlemen and Burgesses and such other Freemen (not having Consented to any the Elections as aforesaid) as now are or shall be at any time Assembled or any twelve or more of them whereof the Leiutenant Generall and Secretary of the Province to be allwaies two) shall be called the house of Assembly; and that all Acts and ordinances assented unto and

 p. 63 approved by the said house or by the Major part of the Persons assembled and afterward assented unto by the Leiutenant Generall in the name of the said Lord proprietarie and shall be adjudged and established for laws to all the same force and effect as if the said Lord proprietary and all the freemen of this Province were personally present and did assent to and approve of the same Which Bill being read and passed by all the Gentlemen and freemen present they did consent it should be underwritten by the Secretary in these words.

[The freemen have assented to this Bill
 that it be engrossed and published under
 the great Seale]

Then the Leiutenant Generall Leonard Calvert Esq. being demanded by the Secretary whether he did assent to the said bill for and in the name of the Lord Proprietarie; answered yea, and willed that his assent should be underwritten to it in these words

[The Leiutenant Generall in the behalf of the
 Lord proprietarie willeth that this be a Law]

And it was published under the great Seale the twelfth of March 1638

At a sessions of Generall Assembly at St Maries on the 19th March 1638 To the Honour of God and the wellfare of this province was Enacted as followeth

An Act ordeining certain Laws for the
 Government of this Province

For the better Government of this province Be it Enacted and ordeined by the Lord Proprietarie of the same of and with the

advice assent and approbation of all the freemen & Burgesses assembled in this present Assembly in manner and form following. Liber
C & W H

Holy Churches within this province shall have all her rights and liberties.

All Inhabitants of this province shall take an oath of Allegiance to his Majestie. p. 64

The Lord Proprietarie shall have all his rights and prerogatives.

The Inhabitants of this Province shall have all their rights and liberties according to the great Charter of England

The Leiutenant Generall (within the province) and the Commander of the Isle of Kent (within that Island) except appeal be made from him & the Councell of the province in causes wherein the Leiutenant Generall is a plantif shall cause right and Justice to be done in all causes civill (wherein right or damage is demanded) according to the laws or laudable usages of this province or otherwise according to the laws or laudable usages of England in the same or the like cases as neer as he or they shall be able to Judge and Shall trie all the saide causes and Shall or may use Command & appoint all power & means necessary or conducing thereunto And the said Leiutenant Generall & Commander Shall take an oath to administer equall Justice to all persons without favour or malice of any one.

The Leiutenant Generall or any one of the Councell (within the province) and the Commander of the Isle of Kent (within that Island) shall or may use Command & appoint all power & means necessary or conducing to the apprehending of felons or the keeping of the peace and the said Leiutenant Generall and Councell shall or may, trie and sencure all offenders with any punishment as they shall think the offence to deserve except that in Crimes extending to taking away of life or member the offender shall be first indicted and afterward tried by twelve freemen at the least and the Commander of the Isle of Kent shall or may trie & censure all offenders within that Island with Such Corporall shame or correction (not extending to life or member as he shall think the offence to deserve & every one of the Councell shall take an oath to defend & meintein the rights & prerogatives of the Lord proprietarie in all things & to assist the execution of Justice without favour or malice of any one & to doe all other things as becomes a Councell to doe

The Secretary shall prove wills & grant Administrations & use & appoint all power & means necessary or conducing thereunto And the Commander of Kent shall take such order as he shall think fitt for the Saveing of the goods of deceased persons within that Island till a will be proved or administration granted.

Liber
C & W H

The Captain of the Military band (at the direction of the Leivtenant Generall) shall use appoint & Command all power and means necessary or conducing in his discretion to the Safety or defence of the province and the Commander of Kent shall doe the like within that Island

All fees shall be paid to publique officers according to a bill upon the records of this assembly Entituled an act for fees And all necessary publique charges shall be defrayed by the Treasurer of the province upon the accompt of the Colony or province by warr^t from time to time from the Leivten^t generall and Councell

If any goods be within the province without any challenging the same & haveing right there unto the Leivten^t Generall and Councell shall appoint how the same shall be employed

Where the goods of or in the hands of any person sued for debt are not Sufficent to pay all his debts within the province
p. 66 they shall be sold at an outcry and distributed equally among all the Creditors inhabiting within the province (except that the meere & proper Debts of the Lord proprietarie shall be first Satisfied & then fees & duties to publique officers & charges & that debts for wine and hot waters be not Satisfied till all other debts be paid)

Every person planting Tobacco shall plant & tend two acres of Corne

All Tobaccos shipped out of the province (except to England Ireland or Virginia) shall pay a custome of five in the hundred

The Leivten^t Generall & Secretary (or his Deputie) and Gentlemen Summoned by Speciall writt & one or two Bur-gesses out of every hundred (at the choice of the freemen) at any time hereafter Assembled shall be judged a Generall Assembly

All Commissions From or under the Lord proprietarie w^{ch} shall be in force at his death shall remain in the same force untill a new Commiss^s for the Governm^t published under the great Seale Any bargain with the Leivten^t Generall & Councell shall make with any undertaker for the setting up of a water mill for the use of the Colony shall be levied upon all inhabitants of the Colony in Such manner as the Leivten^t Generall & Councell shall appoint so it exceed not ten thousand weight of Tobacco in a Yeare for two years only This Act to endure till the end of the next generall Assembly or (if such generall assembly be not sooner called) for three years only

The freemen have assented

The Lord proprietarie willeth that this be a Law
verum recordum

John Lewger Secretary

March 19th 1638

PROCEEDINGS AND ACTS
OF THE
GENERAL ASSEMBLY
OF MARYLAND,

At a session held at St. John's, October 12—24, 1640.

CECILIUS CALVERT, LORD BALTIMORE,
Proprietary.

LEONARD CALVERT,
Governor.

Acts of Assembly Summoned for the
12th of October 1640

Liber M C
p. 136

Cæcilius &c^a to our trusty and well Beloved W^m Brainthwayte our Commander of our Isle of Kent Greeting whereas we have appointed to hold a General Assembly at Saint Marys on monday being the twelfth day of October next these are therefore to will and Require you that without delay you assemble and summon all the Freemen of that Island at a certain time and place to be reasonably by you prefixed and there cause them to make election of any one or more burgesses for that Island (not exceeding the number of four) and to make true return of the Party or Partys so nominated & elected by the said freemen or the major part of them to our Secretary before the said twelfth day of October Given at S^t Marys the 14th August 1640

Cæcilius Lord Proprietary &c^a to our trusty and well Beloved Giles Brent Gent Treasurer of our Province of Maryland and one of our Council Greeting whereas we have appointed to hold a General Assembly at S^t Marys on monday being the twelfth day of October next we therefore much relying upon your Judgment and advice in that Assembly do thereby will and require you that you repair in person to the said Assembly at the time and place prefixed there to advise and consult with us touching the important affairs of our Province Given &c^a ut Supra

Cæcilius &c^a to all the freemen of our hundred of S^t Marys p. 137 Greeting we do hereby summon you to be before our Secretary at Saint Johns on tuesday next at one of the Clock after dinner to make election of one or two Burgesses for that hundred for the next Assembly Given at Saint Marys 12th Sept^r 1640

Cæcilius &c^a to all the freemen of Saint Georges hundred Greeting we do hereby summon you to be before our Sheriff at David Wickliffs on house thursday next at one of the Clock after dinner to make election of one or two Burgesses for that hundred for the next Assembly Given ut supra

Cæcilius &c^a ut Supra of Saint Michaels Hundred &c^a before our Sheriff at the house of Jn^o Hallows and John Medley on Saturday next &c^a ut Supra

Liber M C

Cæcilius &c^a ut Supra to our Beloved John Robinson high Constable of Saint Clements hundred Greeting Summon all the Freemen of your hundred to be before you at a certain time and place by you to be prefixed to make election of one Burgess for that hundred for the next Assembly and make return to our Secretary before the tenth of October next of the Person so elected whereof fail not

Cæcilius &c^a to our trusty and beloved Tho^s Greene Gent
p. 138 &c^a whereas we have appointed &c^a ut Supra 14th September

Cæcilius &c^a to our trusty and Beloved Fulke Brent Gent et^a ut Supra

The free Inhabitants of the Isle of Kent have elected and chosen M^r Giles Brent, M^r Tho^s Adams M^r Thomas Allen and M^r John Abbott for their Burgesses at the next General Assembly to be holden at S^t Marys the 12th October 1640

Signed

Will^m Brainthwait Commdr15th September 1640

The freemen of Saint Marys hundred chose for their Burgesses the next Assembly M^r Secretary & M^r Greene
coram me John Lewger Secretary

The indorsement of the writt for Saint Georges hundred returned by the the Sheriff
the 17th September 1640

Elected and chosen by the freemen of Saint Georges hundred for Burgesses of the Assembly by name Francis Gray and George Pye
20th September 1640

Cæcilius Lord Proprietary &c^a to our trusty and beloved Ferdinando Putton Esq^r of Conception hundred Greeting
p. 139 whereas we have appointed to hold a General Assembly at Saint Marys on monday the twelfth of October next these are therefore to authorise you and withall to will and require you to summon all the Freemen of your hundred to assemble at such time and place within your hundred as you shall think fit then and there to make election of any one Burgess for the said hundred for the said next Assembly and certify upon the backside thereof to our Secretary at some time before the 7th of October the name of the person so elected by the said Freemen then and there assembled or the major part of them
Given at Saint Marys the 19th Sept^r 1640

Cæcilius &c^a to our trusty Cuthbert Fennick Gent Atty within this Province of our right trusty &c^a Greeting whereas we

have appointed to hold a General Assembly at Saint Marys Liber M C
on monday the twelfth October next at which assembly we
could much have wished to have had the presence and advice
of our trusty Counsellor Thomas Cornwaleys which being not
to be presumed upon by reason of his absence nevertheless for
the respect we bear unto him and out of our care that so great
a member of our province may have his Attorney there to take
care of such things as may concern him therefore we do hereby
authorise you to repair personally to the said Assembly there
to have place voice & seat as our said Councillors Proctor or
Attorney during his absence Given at St Marys 19th September 1640

The return of the writt for Saint Margaretts hundred 27th Sept^r

Thomas Morris and Thomas Baldrige Burgesses chosen p. 140
by the freemen of Saint Michaels hundred

The return of the writt to Saint Clements hundred

Mr Secretary

That whereas we are commanded by your warrant bearing
date the 12th of this present month to assemble our selves
together and make election of one Burgess for this hundred
we therefore being but a small Company in number make
election of Lieutenant Robert Vaughan as here left and con-
stituted Mr Thomas Gerards Attorney to which election we
here under written have set our hands this 24th Sept^r 1640

Signed
+ mark of John Robinson
William Broughe
William Cooke
+ Thomas Mumts mark
+ Thomas White mark
+ Robert Edwards mark
William Bretton

3 October 1640

the endorsement of the writt to Mattapanient

Richard Lusthead Burgess of Mattapanient hundred

12th October 1640

Have the Body of John Dandie Smith before the house of
Assembly at nine of the Clock this morning to answer to such
crimes as on his Lordships Behalf shall be Objected against p. 141
him and for so doing &c^a

John Lewger

To the Sheriff of St Marys

Liber M C

Acts of Assembly 12th Oct^r At S^t Johns
in the morning

First was read that part of the Commission which Concerns the holding of Assemblys

Then was read his Lordships Proxy to the Gov^r for giving his assent

Then was read that part of the act of last Assembly which Ordained the house of Assembly

Then the house being called all the Gentlemen summoned by special writt and all the Burgesses that were returned from the severall hundreds appeared except M^r Fulk Brent whose absence was excused by the Governor

Then were read certain Orders made the last Assembly and respited till next day

Then was it ordered by the house that the Clerk of the Assembly should have 5^s p day and for every private draught 12^s

And that a Serjeant of the Assembly should have fee 12^s p day and for serving of any warrant the usual fee

Then was propounded some Bill to be drawn for stinting the planting of Tobacco's but rejected

p. 142 Then was issued this Proclamation

By the house of Assembly

Liber
C & W H
p. 67

It is straitely prohibited that no person whatsoever goe aboard any Pinnoce or other vessell wherein are any goods imported to be retayled nor doe treatate or deal or give intelligence to or with the Skipper factor or any Seaman in any such vesell touching any goods buying or the rates or quantity of Tobacco or want of goods within the Colony before libertie of trade proclaimed at the fort nor then at any higher or greater rate then shall be proclaimed upon pain of such punishm^t as shall be thought fitt be the house of Assembly And further it is prohibited that no Merch^t Skipper or other Seamen contract or deal for any goods with any Inhabitant nor sell or utter any nor shall land at any place in the province but at the Governours landing place afore lycence obtained from the Leivten^t Generall upon such pain and losse as shall be likewise thought fitt whereof they are hereby required to take notice at there Perill

Given at S^t Johns this 12th October 1640

Signed

Willm Bretton Clerke

12th October 1640

Liber
C & W H

These are to will and require you to goe forthwith a board the Pinnoce belonging to Thomas weston or Thomas Games or any other & there to prohibite any person from Comeing aboard or treating with any person belonging to the vesell & to give notice to myself of all persons as shall offend against the proclamation published in that behalfe

Signed

To the Sherrif of St
Maries or his Deputie

Leonard Calvert

Then was appointed a Bill to be drawn for the destroying of unsound Tobacco

Liber M C
P. 143

13th October 8 Clock in the morn^e

Present the whole house

Orders for the Government of the house

Was read the first time the Act touching Tobaccos

Orders agreed upon by the house to be observed during this Assembly

1 The Lieutenant General shall be called the President of the Assembly and shall appoint and direct all things that concern form and decency of speech and behaviour to be used in the house and shall Command observance thereof as he shall see cause upon pain of imprisonment or fine as the house shall adjudge

2 Ten members of the house whereof the Lieu^t General to be always one at any time assembled with the Clerk of the Assembly shall be a full house except that on the Session day it shall not be a full house under the number of twelve as afore

3 The house shall sit every morning holy days excepted unless it be adjourned by the President and any member of the house not being present at that time shall forfeit 30^t tobacco to the use of the house

4 Every Bill shall be read three several days in the house (one day between every of those days being interposed) afore it may be voted for a Law but if it be rejected at the second reading by the greater part of the house it shall not be propounded again the same Assembly but if the Substance of the Bill be not amiss it may be amended and after the second reading the Bill shall be fairly engrossed

5 Notice shall be Given of the day of Session nine days before and at the Session all the Bills engrossed shall be read

Liber M C and severally Voted and such Bills as are assented unto by the Greater part of the Gentlemen and Burgesses shall be presented to the Lieutenant General and when he hath signed the Bill it shall be recorded and published under the Great Seal of the Province and if the votes of the Gentlemen or Burgesses be equal the Bill may not pass.

14th October morning

Assembled all except Mr Adams who was excused by Sickness

Then was read the first time the Act for declaring the Lord Proprietary

And all the rest of the acts upon the Book

15th October morning

all Assembled (except as afore

Was read the second time the Act touching Tobacco's & appointed to be engrossed

16th October

all Assembled

p. 145 Was read the first time an act for the better Gov^t of the Province

Mr Thomas Adams for some undecent speeches touching the Lord Proprietary was censured to ask forgiveness of the Lieutenant General which he did

The house adjourned till monday morning & a Session appointed for wednesday morning

19th October

Warrant to Sheriff for John Dandie to be at Assembly this morning and to warn Robert Nicholls to give evidence

All Assembled

Was spent in correcting the act touching Tobacco's

20th October

all Assembled except { Mr Fennick } amerced 30^s
 { Tho^s Baldrige } tobacco each

Was spent in the same act and abbreviated and then was Liber M C
read the first time

Ordered that the Burgess^{es} of Kent shall stay the Boat of
M^r Cope for their transport paying usual Freight

20th October 1640

These are to authorise you by vertue of an Order of the
Assembly to make stay of the boat belonging to M^r Cope
called the Speedwell and to deliver the same to the Burgess of
the Isle of Kent paying usual Freight for it

To the Burgess^s of the Isle
of Kent or any of them

John Lewger

p. 146

21st October

all Assembled except M^r Brent absence excused by Sickness

Was read the second time the act of Tobacco's appointed to
be ingrossed

the Session prorogued till next day

Was read the first time the draught of all the acts

22^d October

All Assembled

Then was read the third time the act of Tobacco's

not passed by Francis Gray
John Abbott
George Pye
Thomas Allen
President

Was read the second time the foresaid draught

The bill for trade rejected and the Bill for fees and for rat-
ing of Goods the rest to be engrossed

Session prorogued to the next day

Ordered that the Clerk instead of 5^s before ordered shall
have 50^t tobacco 7^p day and the Serjeant 6^s to be paid by the
Burgesses and they to charge it to their Counties

23^d October 1640

All Assembled except Thomas Morris excused by Absence

Then was read the third time the act for Church Liberties
passed by all

Liber M C Lo Prerogatives not passed by all but the President
and Secretary

Peoples liberties passed by John Abbott
Thomas Allen
Lieu^t Vaughan
M^r Adams
M^r Fennick
M^r Greene
Secretary
M^r Brent
President

Determination of Causes not Passed by M^r Brent
M^r Greene
M^r Fennick and all
the rest except Sec[']ry

Greater crimes not passed by M^r Brent and all
the rest except M^r
Secretary

Arbitrary censuring not passed as afore
Publick Offences not passed as afore
Appeales not passed as afore
Lieu^t General defendant not passed as afore
Commander of County Party not passed as afore except
Lieu^t Vaughan

Triall of Causes passed by all except President
Lesser causes not passed as afore except Jn^o Abbott
Warning Jurys passed by all except President
Ordinary Court days passed by all except ut Supra
Chusing of Sheriffs passed by all except supra
Publick charges passed except

p. 148

{	Francis Gray
{	John Abbott
{	George Pye
{	George Allen
{	Lieu ^t Vaughan
{	M ^r Thompson
{	Fennick
{	Greene

Uncertain Goods passed by all
Customs passed by all except President
Assemblys passed by all except President
Suddain Arrests passed by all
Securing Ground passed by all
Exportation of Corn passed by all
Planting of Corn passed by all

Marriages passed by all

Debts payable not passed by all except { Mr Fennick
Secretary

Servants clothes passed by all

L. G. to contract not passed by all except Secretary

Rating wages not passed by { Baldridge
Brent
Fra. Gray
Robert Lusthead
Geo. Pye
John Abbott

Liber M C

Then the President in the name of the Lord Proprietary enacted the Bills following

For Church Liberties

Uncertain Goods

Sudden Arrts in Government

Securing of Ground

Exportation of Corn

Planting of Corn

Marriages

Servants Clothes

Tobacco's

The Proclamation touching leave for uttering Goods &c^a reversed

Ordered that all publick common charges demandable of the house and all Charges of Burgesses chargeable upon any hundred shall be assessed and allowed by the discretion of Mr Brent Mr Secretary and Mr Greene and likewise to assess by itself the demands of the Burgesses for the last Assembly the house prorogued by Lieutenant General till the next day

24th October

By the President in Audience of the house

the house prorogued until the next monday after twelfth day

30th October

Were published under the Great Seal at the Fort of Saint Marys the several Laws enacted the Copy of which publick Instrument followeth

Acts Enacted for Lawes by the Lord Proprietary with the aduice and assent of the freemen att a Sessions of Generall Assembly on the 23th of October 1640 and published under the great Seale on 30th October following)

Liber
W^H & L
p. 1

Liber
W H & L

An Act For Church liberties.

Holy Church within this Province shall haue and enjoy all her Rights liberties and Franchises wholly and without Blemish

p. 4

An act for uncertaine Goods

All uncertaine goods to which no party Justly claymeth Right shall bee to the Lord Proprietary or his assignes and shall be Sould att an Outcry But any party hauing Right to the goods or to the disposure of them claymeing within three Yeares, Shall be restored to his Right And the finder of goods Shall haue the one halfe for his pains & Charges

An act prouideing against Sudaine accidents in the Government

All Commissions from or under the Lord Pro prietary which Shall be in force att his death Shall Remyne in in the Same force untill a new Comission for the Gouverment published under the great Seale and in case the Leivten^t Generall shall decease or be absent out of the Prouince without nominating or substituting another in his roome the first Councillor of State resydeing att S^t Maryes shall Exercise the office of Leiv^t Generall in all poynts Belonging to itt untill his returne into the Prouince or that another be appoynted by the Lord Proprietary

Liber
C & W H
p. 68

An Act For Fencing of Ground

Every man shall fence his corne & other ground against cattell at his own perill And the owner of Swine may not be Compelled to law his Swine This Act to endure for 2 years after the end of this Assembly

An Act prohibiting the exportation of Corne

No person shall export any Corn or meale (except for ship provision or that it be in exch^a for a like quantity of Corne im-
ported unlesse the rate of Corne be estimated & Sold at 30^t
Tob p barrell upon forfeiture of the said Corne exported or
attempted to be exported out of the province to the Contrary
hereof or a fine to the value of it Corne shall be excepted at
any time in payment at 30^t Tobacco per barrell This act to
endure for 2 years after the end of this Assembly

An Act For the Planting of Corne

Liber
C & W H

Every hand planting Tobacco shall plant & tend two acres of corne upon pain of forfeiting 200^l Tobacco for every acre wherein default shall be and so rateably for less default This Act to endure for two years after the end of this assembly

An Act touching Marriages

No partie may Solemnize marriage with any woman afore the banes 3 days before published in some Chappell or other place of the County where publique instnts are used to be notified or else afore oath made & caution entred in the County Court that neither partie is apprentice or ward or precontracted or within the forbidden degrees of consanguinity or under govern^t of parents or tutors and certificate of such oath & caution taken from the Judge or Register of the Court upon paine of fine & recompence to the partie greived This Act to endure for 2 years after the end of this Assembly

An Act Touching Servants Cloths

A Servant at the end of his Service shall have by the custome of the Country one good Cloth suite of Keirsey or broad cloth a Shift of white linen one new pair of stockins and Shoes two hoes one axe 3 barrells of Corne and fifty acres of land five whereof at least to be plantable women Servants a Years Provision of Corne and a like proportion of Cloths & Land

An Act For rateing Artificers wages

p. 70

The County Court may moderate the bills wages & rates of artificers labourers & chirurgeons according to the most current rate of Tobacco proportioned to the rates of the price of the same or the like art labour or workmanship in England This Act to endure for 2 years after the end of this Assembly

An Act Touching Tobaccos

No Tobacco shall be exported or attempted to be exported out of the province untill it have been Sealed by a Sworne veiwer upon pain of treble forfeiture The Commander of every County shall appoint & Swear three veiwers in every hundred to be Sworne in form and manner as is provided any one that will may demand a veiwer to veiwe any Tobacco wherein he hath or may have interest paying the fee. If there be

Liber
C & W H

any exception at the veiwers judgment the owner of the Tobacco shall name one and the Creditor or veiwer another and (if they dissent) the Commander a third which two or three shall determine the exception. Bad Tobacco shall be judged ground leafes Second Crops leafs notably brused or worm eaten or leaves house burnt sun burnt frot bitten wheather beaten in the house sooty wett or in too high Case so that the veiwer upon his concience may reasonably think that it is not likely to last sound untill mid-Summer following. where a hogs-head is found bad for the greater part it shall be burned where for the lesse the owner shall forfeit four fold the quantity of the bad (so that it exceed not the quantity contained in the Cask or chest whereof one half to the veiwer & the other to the Lord Proprietary the veiwer shall have for veiwing 2^l p hhd and for receiveing 4^l and for burning 10^l Tobacco All cases incident and all offences against the intent of this act shall be determined & Corrected by the Leivten^t. Generall & Councell or by the Com̄nder & assistants of any County This Act to endure for two years after the end of this Assembly

p. 71

The oath of a Veiwer

You shall sweare to veiw without delay with such ordinary dilligence as you use or would use in Tobacco to be received by yourself all Tobacco whereof yo^r Judgm^t Shall be demanded within the hundred of N by Vertue of the law in that behalf made you Shall not promise practise or contract to or with any person or persons directly or indirectly to be willfully or wittingly connivent partiall or difficult in the allowing or disallowing of any Tobacco by you to be veiwed nor shall you at any time before or after such veiwing directly or indirectly take or receive any gratuity hire recompence or bennefit in one thing or other for or in Consideration of such veiwing allowing or disallowing of any Tobacco more or further then the lawfull fee But true & impartiall judgm^t shall make & give whether it be bad or no by the intent of the said Law according to the best of your skill & Conciēce and if you find it bad you shall like true Judgm^t make & give whether you think it bad for the greater part or no And if you judge it bad for the lesser part only You shall mill all the bad out of it as neerly & exactly as you may with ordinarie dilligence & the same shall burne according to the law & the residue shall dispose of according to the law And if you Judge it bad for the greater part of it you shall burne or cause the whole quantity contained in such Cask to be burned to ashes without delay or favour so farr as the said Law shall per-

mitt And in all other points you shall faithfully & dilligently
execute & discharge the office trust & duety of a veiwer ac-
cording to the said Law so far as you shall be able So help
You God &c Given at St Maries this 30th October 1640
Wittness Leonard Calvert Esq Leivten^t Generall of the Pro-
vine of Maryland

Liber
C & W H

PROCEEDINGS AND ACTS
OF THE
GENERAL ASSEMBLY
OF MARYLAND.

At a session held at St. Mary's, August 2—12, 1641.

CECILIUS CALVERT, LORD BALTIMORE,
Proprietary.

LEONARD CALVERT,
Governor.

By the Lieutenant General

Liber M C
p. 155

7th December 1640

Whereas at the last Session of Assembly the house was prorogued until the next monday after twelfth day now for certain reasons I have thought fit to prorogue it further until the first monday in March next whereof I require all persons whom it may Concern to take notice

2^d Febr^y 1641

By the Lieutenant Gen^l

The Assembly prorogued again till the first monday after twelfe day next

16th July 1641

The Prorogation anticipated by Proclamation and appointed to be held on 2^d August next

Warrant to Commander of Kent to assemble the freemen at the request of any Burgess desiring it to substitute other Burgess or Burgesses in place of the other and Return the names of the Persons substituted afore the 2^d August

Cæcilius &c^a to Thomas Gerard Lord of the mannor of Saint Clements Gent Greeting we do hereby authorise and withall will and require you that you repair in person to the house of General Assembly held at S^t Johns by Prorogation on monday next there to take and have voice and seat and to give us your advice touching such important affairs of our Province as shall then and there be consulted of whereof fail not Given at Saint Marys this 28th July 1641 witness our dear Brother &c^a
By Lieutenant General

August 2^d

The house adjourned till Monday follow^g but anon after the said adjournment was altered till Only thursday next

Liber M C 28th July 1641

Whereas I was appointed by warrant from the Governor to return the names of our Kentish Burgesses to you these are therefore to certify that the Inhabitants have thought good only to appoint Captain Brent & M^r Adams not desiring any more least the charge of this be equal with the former

Signed

To M^r John Lewger
Secretary &c^a

W^m Brainthwayte

5th August 1641

At Saint Marys morning

Assembled

President
M^r Fulk Brent
M^r Giles Brent
M^r Secretary
M^r Greene
M^r Fennick
Tho^s Baldrige
Tho^s Morris
George Pye
M^r Gerard
M^r Adams
Robert Vaughan

p. 157

A Certificate from the hundred of Saint Georges

23^d July 1641

This is to Certify your worships that with the Consent of the hundred we have made choice of Geo Pye in Francis Grays place

David Wickliff
W^m Marshall
Tho^s Hebden
Tho^s Petit
Robert Cager
Richard Loe
Nicholas Cosin
Arthur la Hay

John Ellin
Randell Revell
John Gy
Richard Nevill
Richard Cole
Richard Hills
Ralph Beane
Henry Lee

a Certificate from the hundred of S^t Clements

Liber M C

19th July 1641

We the Freemen of Saint Clements hundred being Assembled together have returned and chosen Tho^s Gerard Gent Burgess of the said hundred

William Bretton

To the Secry of S^t Marys

John Robinson

William Broughe
John Worthy
John Thompson
John Hatch

p. 158

Whereupon Robert Vaughan (then appearing for the said hundred) was discharged of his Voice and Seat and demanding to have voice in his own person was Refused

Then were read the first time 3 Bills

- 1 For confirmation of Pattent
- 2 For an expedition against the Indians
- 3 Against Fugitives

Then M^r Giles Brent stood up and read one Bill touching probate of wills & Administrations

6th August 1641

Assembled as afore

The 4th Order of Assembly for interposing a day between reading of Bills reversed

Then was read the second time the bill

- 1 for Confirmation of Patents allowed to be engrossed
- 3 for an Expedition against the Indians allowed to be engrossed
- 2 Against Fugitives allowed to be Engrossed

Then was read the first time two Bills

- 1 For measures
- 2 Providing for Causes wherein L G is Plaintiff

Liber M C

7th August 1641

Assembled as afore

p. 159 was read the second time

1 The bill touching Causes testamentary referred to the Governor till monday

not read { Touching measures
Touching causes wherein the L. G. is plaintiff

9th August 1641

Assembled as afore

a Certificate from Mattapanient

Mr Fennick we whose names are hereunder written do desire you to answer for us at the Parliament and we shall be much beholding unto you for the same

Richard Gardner
Richard Lustick
Lewis Froman

Was read a petition of Mary Ford and respited till Wednesday morning

Was read the second time an act for Causes testamentary & respited till Wednesday

11th August 1641

Assembled as afore except Mr Gerard excused by Sickness

Was read the Bill for Causes testamentary to be Engrossed

p. 160 It was declared that those words in the oath of Judges &c^a [whilst I am a member of this Province are to be understood with this addition or explication [and whilst I am in Commission and shall exercise the Office &c^a

Was read the second time the Bill touching measures to be engrossed

Likewise touching causes wherein the Lieu^t Gen^l is plaintiff

It was declared that in causes wherein the Lieutenant General is plaintiff he may grant writt or warrant to warn the Defendant to do such right as is demanded or else to have him before the judge &c^a as in other warrants

It was further declared that receiving of a run away Servant Liber M C
shall not include Felony or misprision of felony

Session appointed the next Day

12th August 1641

At the Session assembled as last afore
was read the third time

1 The Bill for Confirmation of his Lordships Patent

denied by all but { President
Secretary

2 The Bill for an expedition against the Indians

Denied by all but { President
M^r Fulk Brent
Secretary

3 The Bill against Fugitives

Passed by all { Enacted by the President in his Lordships
name

4 The bill for measures

p. 161

passed by all { Enacted by the President in
his Lordships name

5 The Bill for Causes testamentary

passed by all but { Secretary
M^r Greene

Enacted by the President in his Lordships name

The house Prorogued by the Lieu^t General in Audience of
the house till the next monday after twelfth day which shall be
in the year 1642

Bills enacted for Lawes at the Session of
Generall Assembly 12th August 1641

Liber
C & W H
p. 72

An Act against Fugitives

It shall be felony in any apprentice Servant to depart away
secretly from his or her master or dame then being with intent to
convey him or her selfe away out of the Province And in
any other person that shall wittingly accompany such Servant
in such unlawfull departure as aforesaid And the offenders
therein shall suffer paines of death & after his due debts paid
shall forfeit all his lands goods & Chattells wthin the province

Liber
C & W H

Provided that in case his Lordship or his Leivten^t Generall shall at the request of the partie so condemned exchanges such pains of death into Servitude That then such exchange shall not exceed the time of Seaven years & that the master or dame of the parties so pardoned of death shall be first satisfied for, the terme of such parties Service unexpired from the day of such unlawfull departure & for double the time of his absence dureing his said departure

An Act For measures

whereas the want of a sett & appointed measure whereby Corne and other graine might be bought & Sold wthin this Province doth dayly breed inconveniencies in the passing thereof Be it Enacted By the Lord Proprietarie of this province by & with the assent and approbation of the freemen of this Province that from henceforth the measure used in Engl^d called the Winchester Busshell be only used as the rule to measure all things which are sold by the Bushell or barrell and all under proportions of dry measures to the Bushell The Barrell to p. 73 contain five of the said Bushell & no more or lesse and that wthin 40 days next after the Proclamation of this act in every County the Sherrif thereof shall procure a good bushell to be made & syzed as above and shall have a Seal whereby he shall seal that and all other measures by which Bushell and Seal the Sheriff shall have allwayes in his custody as a rule whereby others shall be syzed and Sealed which are to be used in bying & Selling within the Province and at the expiration of his office shall deliver the said measure and Seal to his Successor to be kept as aforesaid And every partie convict to have sold by any bushell or lesse or greater measure unsealed or differing from the foresaid after the feast of All Saints next shall pay treble damages to the parties greived and a fine of one barrell of Corne to the Lord Proprietarie Provided likewise that for every Bushell so syzed and Sealed by that in the Sherrifs keeping The Sherrif for his fee shall have from the parties whose bushell it is four pounds of Tobacco This Law to Continue for 2 years next after the day of this Session

An Act For Causes Testamentary

Whereas the Laws of this Province now in force have not Sufficiently provided for the disposing of Administrations & makeing just approysm^t of the goods of Partyes deceasing

within this Province for remedy Be it Enacted By the Lord Proprietarie of this Province of and with the assent and approbation of the freemen of this Province That the Leivten^t Generall or in his absence his Deputie or otherwise the first Councillour resident in the County shall prove Wills and Grant Administracōns & exercise all Temporall jurisdictions to Testamentary causes appertayning And shall doe or cause to be done right to all persons in all such causes according to the law of the Province & in defect thereof according to the Law or lawdable usage of England in the same or like cases & where the same is uncertain or doubtfull then according to equity & good conscience. And be it further Enacted that the Leivten^t Generall where no party, haveing right to the Succession of goods of any deceased intestate clameth the administracōn of the same) Shall have power himself to administer all estates intestate And that all persons administring shall within a time to be appointed by the Councill if the Leivten^t Generall adm. or be Ex^t and if other than by the Lievtenant Generall with advice of the Councill make Sale of the whole Estate administred on at an outcry (except the Cattell of the deceased where the debts of the deceased doe not require it hoggs excluded from this exception) and Shall at the next Court of S^t Maries after the said outcry deliver in the accompt of the Severall debts debtors and other parcells of the estate to the Register of the said Court by him to be recorded

Liber
C & W II

p. 74

Provided Never the less that if any person to whom by reason of his right to the Succession of the goods of the intestate the administracōn shall be granted or shall be executor by will of the deceased proved shall put in Sufficient security to the Leivten^t Generall for the Payment of all debts & legacies of the deceased that then they shall not be obliged to make Sale of any of the goods of the deceased at an outcry but Shall appraise as afores^d the Estate & give account of the Estate to the Leivten^t Generall upon oath as in England Executors ought to do Likewise th^t if any Legatee shall put in Security to the Court to pay the value of the Legacy or such part of it as the Debts shall require if the rest of the Estate be not Solvent to Creditors that then that party shall have his Legacie in kind And in all Cases concerning right demanded from by or out of those Estates which the Leivten^t Generall shall administ^r the Councill of the Province shall be understood Judge and because according to this & some other Laws some cases may arrise where the assistance of the Councill will be necessary & the present Councill may either die or be absent or be disagreeing equally Therefore it Shall be Lawfull (in any the cases aforesaid) For the Lievtenant Generall to nominate one or more Councillours to the Effects aforesaid

p. 75

Liber
C & W H

And in all cases of Administracōn the Administrat^{rs} shall for his care & pains taken therein have ten in the hundred of the value of that part of estate sold at an outcry and after the same rate Shall have in kind of such Part of the Estate as shall be reserved to the Estate in kind and Moreov^r.. and above such tenn in the hundred he shall be allowed out of the Estate all charges as he shall make appear to have been laid out for the behoofe of the Estate This Law to revoake any former Law concerning causes Testamentary and to endure for 2 years or to the end of the next Sessions before two years

Published under the great Seal 15th August 1641

PROCEEDINGS AND ACTS
OF THE
GENERAL ASSEMBLY
OF MARYLAND

First Session held at St. Mary's March 27—28, 1847.

GEORGE CALVERT LORD BALTIMORE

President

LEONARD CALVERT

Clerk

By the Lieutenant Gen^l

Liber M C
p. 166

Whereas at the last Session of Assembly the house was Prorogued until the next monday which shall be after twelfth day Anno 1642 which prorogation it is necessary for certain weighty reasons to anticipate these are to publish and proclaim that I have appointed a General Assembly to be called and held at Saint Marys on the 29th of this month being the morrow after the Feast of Saint Simon and Jude next and therefore I do hereby require all Gentlemen summoned by special writt and the burgesses of every hundred respectively and all others whom it may Concern to take notice hereof and to repair to the said Assembly at the time and place prefixed at their Perills Given at Saint Marys this 18th October 1640
Leonard Calvert

7th November 1641

The Secretary in the absence of the Lieu^t Gen^l out of the Province prorogued the day of Assembly until the 14th November following

14th November 1641

The Secretary in absence as aforesaid prorogued the day further until the 20th March follow^g

By the Lieutenant General

Whereas the house of Assembly stands Prorogued unto the 20th March next at which time the pres^t Laws now in force will for the Greater part of them determine and expire these are therefore to publish to all persons whom it may concern that I have appointed to hold an assembly on 21st march next at Saint Marys Fort and therefore every hundred to choose and send one or two Burgesses to come and the said Assembly in such manner as hath been accustomed and to take notice hereof at their perill Given at Kent Fort 12th January 1641
Signed

Leonard Calvert

Liber M C 12th January 1641

Whereas I have appointed to hold a General Assembly at Saint Marys Fort on monday being the fourteenth day of March next these are therefore to will and require you that you repair personally to the said Assembly at the time and place appointed there to consult and advise touching the important Affairs of this Province Given at Kent Fort the day & Year above said

Signed

To M^r Giles Brent Gent
Councillor of the Province

Leonard Calvert

17th January 1641

The like writt to Captain Tho^s Cornwaleys Esq^r
M^r Fulk Brent Gent
M^r John Lewger Secretary
M^r Thomas Greene Gent
M^r John Langford Gent
M^r Tho^s Gerard Gent

17th January 1641

p. 168 These are to will and require you to assemble all the freemen as you may of each of the of Saint Marys, Saint Michaels, Saint Georges & Conception alias Mattapanient hundred at a certain time and place by you to be prefixed in each of the said several hundreds to make such election of one or more Burgess or Burgesses as they shall think fit for the next Assembly to be held at Saint Marys on the 21st of March next and to signify such their election under their several hands and make return of the several elections so to be made by the said freemen of each several hundred on or afore the said 21st day of March where there shall be need to signify the said several elections to the several Persons so elected to the end they may be at the said Assembly at the time and place aforesaid whereof fail not this shall be your warrant

To the Sheriff of Saint Marys

By the Lieu^t Generall

Whereas the house of Assembly stands Prorogued until the twentieth of March next at which time most of the Laws now in force will determine and expire and that it is necessary afore the said expiration to assemble to assemble the freemen for the enacting of new laws and other important affairs of the Province these are therefore to publish & proclaim to all Per-

sons whom it may Concern that I have appointed to hold a General Assembly at Saint Marys on monday being the fourteenth day of March next and therefore to require the sheriff of S^t Marys to assemble all the freemen as he may of the several hundreds of Saint Marys, S^t Michaels S^t Georges and Conception alias Mattapanient hundred at a certain time and place to be by him prefixed in each of the said several hundreds respectively & then and there to warn them to make election of one or two Burgesses for the hundred to appear for the said hundred at the time and place prefixed and to make return of the several Burgesses so elected by the said freemen of each several hundred or by the Major part of them on the said fourteenth day of March at the furthest and to warn all the said several Persons so elected to take notice of such their election and to be present at the said Assembly at the time and place aforesaid

Liber M C

p. 169

Given at Saint Marys this fourth day of February 1641

4th February 1641

These are to will and require you to assemble all the Freemen as you may of your hundred at a certain time and place by you to be prefixed within the said hundred and then and there to require them to make election of one or two Burgess or Burgesses for the next General Assembly to be held at Saint Marys on the fourteenth day of March next and make return on or before the said day of the name or names of such Person or Persons as shall be so elected by the said freemen or the Major part of them and give notice without delay to the Person or Persons so elected of such his or their election to the end he or they may be at the said Assembly at the time and place aforesaid whereof fail not and for so doing this shall be your warrant

p. 170

To the high Constable of
Saint Clements hundred

By the Lieutenant Gen^l

These are to publish and Proclaim to all Persons Inhabitants within this Province that I have appointed to hold a General Assembly of all the Freemen of this Province on monday being the one and twentieth day of this instant month and therefore to require all freemen whatsoever to take notice hereof and either to repair personally to the said Assembly at the time and place aforesaid or else to appoint and depute some other for their Proxy or deputy during the said Assembly there to consult and advise touch^{ing} the enacting of new Laws and other

Liber M C important affairs of this Province Given at Saint Marys the
second of March 1641

Signed

Leo: Calvert

Published and Proclaimed
by the Sheriff at the Fort of
Saint Marys the 2^d of March
1641

The like Proclamation sent to Kent 13th March

March 21st 1641

Assembled

The Lieu^t General
Captain Cornwaleys
M^r Giles Brent
M^r Fulk Brent
M^r John Lewger
M^r John Langford

p. 171

Mr William Lodington	Angat Baker
Mr Richard Thompson	Mr Tho ^s Greene
Henry Lee	John Cockshott
Thomas Davison	Nicholas Keptin
Richard Duke	Cyphrian Throughgood
Thomas Baldrige	Thomas Charington
Marmaduke Snow	Joseph Edlo
John Halfhead	Isaac Edwards
Thomas Hebden	Walter Beane
John Weywill	George Pye
Henry Lee	Thomas Morris
James Johnson	Richard Cole
Francis Posir	John Medley
Robert Kedger	Nathaniel Pope
John Harwood	Richard Garnett Sen ^r
Robert Wiseman	Henry Bishop
John Prettiman	Randell Revell
John Robinson Barber	William Asiter

John Hallows } appeared after the house
John Thatcher } was risen
Robert Clerk }

Thomas Greene Gent exhibited his Proxy for

John Harrison
William Tomson
Richard Cox
Richard Lusthead
John Norman
Robert Nicholls

John Langford Gent exhibited his Proxy for Robert Perry

Liber M C
p. 172

Thomas Baldrige exhibited his Proxy for

Robert Smith

John Hillierd

Walter Walterkin

Thomas Morris exhibited his Proxy for

Henry James

John Hallowes

Mark Pheypo

James Cauther

Robert Sedgrave

John Price

William Browne

John Hallowes Carpenter

John Thetcher

Tho^s Franklin

Peter Macrell

John Lewger exhibited his Proxy for Burnaby Jackson

Tho^s Morris had leave to be absent & appointed for his
Proxy M^r Tho^s Greene

Was read the bill for the support of the Gov^t with General
Consent

It was declared by the house that the house of Assembly
may not be adjourn'd or Prorogued but by and with the
Consent of the house

Then was read three other Bills

For the devising of new Laws

For an expedition against the Indians

For Planting of Corn

The house adjourn'd it self till the next morning

John Hallows Carpenter appointed for his Proxy M^r Thomas p. 173
Greene

John Thatcher appointed for his Proxy M^r Tho^s Greene

Richard Cole appointed for his Proxy George Pye

Tho^s Charington appointed for his Proxy Geo Pye

James Johnson appointed for his Proxy Geo Pye

Robert Clerk appointed for his Proxy M^r Jn^o Langford

Rob^t Kedger appointed for his Proxy Geo Pye

22^d March 1641 in the morning

Assembled

The President

Captain Cornwaleys

M^r Fulk Brent

M^r Giles Brent

M^r Secretary

M^r John Langford

Liber M C

John Cockshott
 Nicholas Keyton
 John Prettiman
 Francis Posir
 Philip Conner
 Jn^o Robinson barber
 M^r Greene
 M^r Gerard
 M^r Snow
 M^r Bretton
 Cyprian Thorowgood
 John Medley
 Isaac Edwards
 Tho^s Davis
 Nicholas Cossin
 John Harwood
 John Nevill
 John Worthy
 M^r Lodington
 William Asiter

p. 174

David Wickliff
 Thomas Baldridge
 Randell Rebell
 John Halfhead
 John Hamton
 John Weywill
 George Pye
 Richard Duke
 Henry Wiseman
 Nathan Pope
 Walter Beame
 Joseph Edlo
 Richard Garnett Sen^r
 James Johnson
 Tho^s Hebden
 Henry Lee
 Angatt Baker
 Henry Bishop
 William Basiter

John Worthy exhibited his Proxy for Rich^d Nevill Richard Hills, William Broughe, Edward Simpson, Thomas Bushell, John Hatch, John Thompson, John Medley, Simon Richardson, John Mansell

M^r Lodington and M^r Thompson were admitted for the Proxys of all the Inhabitants of Kent

A Petition of John Medley referred by the house to Captain Cornwaleys M^r Giles Brent M^r Fulk Brent, M^r Lewger, M^r Langford, M^r Greene, M^r Gerard M^r Lodington or any five of them they to determine the petition in the afternoon, and report to the house to morrow morning

Then was read the Bill for Granting of a Subsidy to his Lordship and voted for the ingrossment no one Contradicting it

Then was read the Bill for the expedition ag^t the Indians and voted by the Greater part that it was not to be left entrusted to the discretion of the Lieuten^t General and Council

Then was read the Bill for ordeining certain Laws & Respited till afternoone

p. 175

Then was read the Bill for Causes testamentary as it is recorded 12th August 1641

Then the Bill for the plenty of Corn

Then was the house adjourned by Consent till 2 of the Clock afternoon

Richard Garnett appointed for his Proxy M^r Tho^s Greene

22^d March 1641
in the afternoon

Liber M C

Assembled the greatest Part the Company as afore

The Committee reported to the house that upon examining the petition of John Medley the^r Considered that John Hallows should deliver at St^t Marys before the end of May next 4 Kine with 4 Calves John Medley paying to John Hallows in lieu of finding a Boat for the transport of them 200^l tobacco with Cask on or afore the 10th November next and in default of such delivery at or afore the said day the said Hallows should pay to John Medley on the said 10th November five thousand w^t Tobacco with Cask

And the house approved and Confirmed the said Judgment of the Committee

Then was a petition presented by David Wickliff in the name of the Protestant Catholicks of Maryland respited till the next morning

And the house adjourned it self till the next morning

23^d March 1641
in the morning

p. 176

President	M ^r Greene
Cap ^t Cornwaleys	M ^r Gerard
M ^r Giles Brent	with the rest as afore
M ^r Fulk Brent	
M ^r Secretary	
M ^r Langford	

The petition of the Protestants was read complain^g agst M^r Thomas Gerard for taking away the Key of the Chappel and carrying away the Books out of the Chappel and such proceedings desired against him for it as to Justice appertaineth

M^r Gerard being charged to make answer the house upon hearing of the Prosecutors and his defence found that M^r Gerard was Guilty of a misdemeanor and that he should bring the Books and Key taken away to the place where he had them and relinquish all title to them or the house and should pay for a fine 500^l tobacco tow^{ds} the maintenance of the first minister as should arrive

All that had Proxies expressed themselves that they Voted in their own Behalves except Jo Worthy who Voted for all his Voices

Liber M C Upon a petition exhibited by M^r Ingle against M^r Giles Brent touching a direction to the Sheriff for his serving an execution the house thought that M^r Giles should not be liable for his direction

For the hearing and determining of all Petitions the house authorised for a Committee Captain Thomas Cornwaleys M^r Giles Brent M^r Secretary M^r Langford M^r Lodington M^r Thomson, M^r Greene, Nath Pope or any five of them and to make Report to the house in the afternoon at S^t Johns

Then was read the bill for a Subsidy and freely passed by every one present and then signed by Captain Thomas Cornwaleys and M^r Giles Brent in behalf of the freemen and afterwards by the Lieu^t General enacted in his Lordships name

The Governor hath appointed to hold a Court on the first monday after Low sunday next and on the first monday after midsummer following

Then was read a Bill for ordaining of Laws & Passed to be engrossed against the afternoon

Then was read the Bill for Plenty of Corn & Respited till next morning

The house adjourned it self till 2 a Clock after Dinner

March 23^d afternoon

Assembled

Governor	Nicholas Herby
Capt. Cornwaleys	Rich ^d Purlivant
M ^r Fulk Brent	John Gresham
M ^r Secretary	Tho Baldridge
M ^r Langford	David Wickliff
M ^r Thompson	Joseph Edlo
M ^r Greene	Henry Wiseman
M ^r Gerard	Marmaduke Snow
Nath Pope	Cyprian Throughgood
p. 178 John Medley	John Worthy
Thomas Hebden	Ralph Beane
Matt das Sousa	George Pye
Francisco van Rynden	John Halfhead
Francis Posie	Christopher Carnol
Edward Coming	Henry Bishop
Randoll Rebell	John Harwood
M ^r Britten	James Johnson
James Johnson Kent	John Hampton
Jn ^o Robinson carpenter	M ^r Lodington
Henry Lee	

Touching the petition of John Wheatly against Thomas Cornwaleys the Committee reported to the house they found not that Captain Thomas Cornwaleys hath refused to find the petitioner and his wife with the necessarys which he was bound unto and the house approved thereof Liber M C

Touching the petition of Robert Nicholls and John Hampto the Committee reported that they thought fit to leave the Petitioners to the Ordinary course of Law and the house approved the same

Touching the petition of Thomas Morris to be relieved against Richard Thompson the Committee reported that they found Richard Thompson Guilty of that which is Champerty by the Law of England but not such as is Criminall here and that there is no sufficient matter alledged why the Petitioner should be relieved or Richard Thompson fined and the house approved the same

John Weywill made his Proxy Captain Tho^s Cornwaleys p. 179

Then was read the Bill for Ordaining certain Laws for the Government and it was passed by all and then enacted by the Lieutenant General in his Lordships name

Then was read the Bill against Fugitives and was first voted and then passed by all the house & then enacted by the Lieutenant General in his Lordships name

Then it was voted and passed by the house that to those words in the act touching Laws on the 12th of November next should be added these words [unless some Assembly be sooner called] and the addition was enacted by the Lieutenant General in his Lordships name

The former Committee was appointed to assess for the Clerks fees and all other Persons charges repairing to the Assembly by the appointment of others

Then was read a Bill to prohibite the exportation of deere Skins to the end they might be dressed in the Country but because the Leather dresser could not undertake to take of all the deere skins of the Country till he had Provision of tallow &c^a out of England it was respited till next Assembly

Another Assembly was appointed to begin on the first of June next

Then the Lieu^t General dissolved the house

Liber M C
p. 180

24th March 1641

mett at a Committee	{	Captain Cornwaleys
		M ^r Lewger
		M ^r Langford
		M ^r Greene
		M ^r Lodington
		M ^r Tomson

The Committee assessed the tobacco p head chargeable to the Subsidy to be levied by the Sheriff with the allowance of 10 p Centum for his pains for the acco^t of the Clerks Fees for five days

Liber
C & W H
p. 75

Bills Enacted For Laws att the Sessions of
Generall Assembly 23th of March 1641

An Act For the putting in force of some Lawes for
the Governm^t of the Province

Whereas at the generall Assembly held the 19th day of March 1638 there was an act made ordeining certain Laws for the
p. 76 Govern^t of the Province w^{ch} act being now expyred is necessary to be received att least on divers branches of it untill other Laws be devised in place thereof Be it therefore Enacted that so much of the said act as concerneth the rights of the Lord Proprietarie & the peoples liberties the power of Judicature in Civill & Criminall causes the Cap^t of the Millitary band officers fees the Setling the house of Assembly the paym^t of debts among all Creditors by equall partition (the clause of Forreiners left out) and the custome of Tobacco's shall be revived & stand in force to all intents & purposes untill the end of the next Assembly which Shall begin on the 12th of November next unless some Assembly be sooner called And all Judiciary acts & proceedings Sentences and executions of Justice done awarded given or executed by any Court Judge or Officer of Justice or by any other person or persons by from or under the authority of such Court or Judge since the 23th of october 1640 so far as they containe nothing Contrary to the Law of the Province then or att any time Since being or Supposed to be in force Shall be valid and good in Law to all intents and purposes any defect or inualidity otherwise notwithstanding

And the Clerk of the Assembly shall be allowed 50^t Tobacco p day to begine two days before the Assembly and to be continued till two days after.

An Act For Granting of one Subsedye

Liber
C & W H

The Freemen of this Province out of their desire to return his Lordship some testimony of their gratitude for his Lordships great charge & solicitude in meinteining the Govern^t & protecting the Inhabitants in their persons rights and liberties and to contribute some support toward it so far as the young & poor estate of the Colony will yett beare doe desire that it may be enacted and be it enacted by the Lord Proprietary of the Province of and with the advice & assent of the Freemen p. 77 of the same that every freeman or freewoman & every Servant belonging to some master or dame out of the Province now being or w^{ch} at any time hereafter shall be an Inhabitant of any County of the Province for the space of three months at the least afore the tenth of November next shall at the said tenth of November pay unto such person or persons or one of them as shall be appointed & authorized in that County to Collect the same by the Lord Proprietarie or his Leivten^t Generall 15^l of Tobacco for him or her Self & other 15^l Tobacco for every person which shall belong to his her or their family or sojourn in the same for the greatest part of the time between this & the 25th of July next (Children excepted under the age of 12 years) and shall pay the said Tobacco with Cask (or allow for Cask after the rate of 10^l p hundred) at some such plantation or plantations as Shall be appointed or well liked of in the hundred by the Collector or Collectors or one of them as aforesaid and the Inhabitants of Kent shall be Chargeable to pay it at Kent ffort

And such Collector or Collectors or any of them may distrein for the said right upon any p^rson or persons chargeable to the said Levy's as aforesaid & refuseing or delaying to pay the same or upon any his or her lands debts goods & Chattells or w^{ch} shall be in his or her possession at the time of such distresse

Provided that where any house keeper or house keepers payes for any freeman or freewoman as belonging to his her or their family such house keeper or house keepers so paying may charge the said Paym^t to the account of such freeman or freewoman or recover it by accon^t of debt in which Case a p. 78 freeman or freewoman is to be judged such as are in covenant for wages or hyre for their work or Service And where any house keeper as aforesaid payes for any apprentice as belonging to his family w^{ch} apprentice as hyred of or belonging to some other person such house keeper so paying may charge the said Paym^t to the acco^t of the person whoes the apprentice is And where it is uncertain to what family any artificer Seaman or other person haveing no certain abideing place doth

Liber
C & W H

belong he shall be charged to that family where he had his last abideing afore the time of the Certificate touching the persons belonging to every family

And every house keeper and house keepers or one of them inhabiting in any County of the province shall at some time between the 25th of July and the 25th of August next Certifie under his or their hands unto the Collector or Collectors of that County or one of them in particular of all the persons belonging to his her or their family or families within the Province on the said 25th day of July upon pain of forfeiting 30^l of Tobacco for every person whereof he she or they shall fail to make such Certificate as aforesaid

And every person comeing to inhabite within the Province after the said 25th of July and before the 10th of August following not being a house keeper nor afore charged wth the said paym^t shall be accounted to that family where he shall abide or sojourn for the greatest part of his abideing after such his comeing into the Colony

An Act against Fugitives

It Shall be felony in any apprentice Servant to depart away Secretly from his or her Master or dame wth intent to Convey
p. 79 him or her Self away out of the Province And in any other person that shall wittingly accompany such Servant in such unlawfull departure as aforesaid And the offender therein shall suffer paines of death and after his due debts paid shall forfeit all his Lands goods & Chattells within the Province Provided that in Case his Lordship or his Leiv^t Generall shall at the request of the party so condemned exchange such paines of death into Servitude that then such exchange shall not exceed the time of Seaven years And that the Master or dame of the party so pardoned of death shall be first satisfied for the terme of such parties Service unexpired from the day of such unlawfull departure, and for double the time of his absence dureing his said departure

Published under the great Seal the 26th March 1642

PROCEEDINGS AND ACTS
OF THE
GENERAL ASSEMBLY
OF MARYLAND,

At a session held at St. Mary's, July 18—August 2, 1642.

CECILIOUS CALVERT, LORD BALTIMORE,
Proprietary.

LEONARD CALVERT,
Governor.

By the Lieu^t General

Liber M C
p. 185

Whereas I have appointed to hold a General Assembly at Saint Marys on Wednesday being the first day of June next these are therefore to Give publick notice thereof to all persons whom it may concern and to require the Commander of the Isle of Kent for that Island and the Sheriff of Saint Marys for all the hundreds of S^t Marys County (Saint Clements excepted) and M^r Tho^s Gerard Gent for Saint Clements hundred to summon all the Freemen within their several Limits respectively as aforesaid to assemble at a certain time and place to be prefixed by the said several Persons respectively as aforesaid then and there to make election of one or two Burgesses for every hundred during the said Assembly according to the Law in that behalf Provided and to certify unto the said Assembly at or afore the day aforesaid the name or names of such Person or Persons as shall be elected by the Freemen of every hundred so assembled or the major part of them and further to warn the Person or Persons so elected to take notice of such their election & to repair to the said Assembly at the time and Place prefixed there to consult and advise touching the affairs of the Province Given at Saint Marys this 4th April 1642

June 24th 1642

By the Lieu^t General

p. 186

A Writt sent to Kent directed to M^r Giles Brent to assemble the freemen of the Island at place and time in his discretion to make election of one or two Burgesses for the next Assembly to held on the first monday after Saint James^s day next

July 1st 1642

The like writt to summon an election for an Assembly to begin on 18th July next

By the Lieutenant General

Whereas I have appointed to hold a General Assembly at Saint Marys on monday being the eighteenth day of this instant month these are to give publick notice thereof to all persons

Liber M C whom it may concern and to require the freemen inhabiting within Saint Marys hundred to assemble before the Sheriff of Saint Marys at some place near the fort on saturday the ninth of July next in the afternoon then and there to make election of one or two Burgesses for that hundred during the said Assembly and likewise to require the freemen of Saint Michaels hundred to assemble afore the said Sheriff in such Convenient place as he shall appoint in that hundred on saturday next the 16th of July in the afternoon then and there to make like election as aforesaid and likewise to require the freemen of Saint Georges hundred to assemble before David Wickliff at the house of the said David Wickliff of that hundred Planter on p. 187 Saturday the ninth of July next in the afternoon for the like election as aforesaid in like manner the freemen of Saint Clements hundred before John Robinson on Saturday 16th July and the freemen of Mattapanient hundred before Richard Garnett on Saturday 16th July and to require the said several Persons before whom such Assemblies shall be made as aforesaid to certify to the said Assembly on or before the said 18th July the names of the Burgesses so elected by the said freemen so assembled or by the Greater part of them and to require the Burgess to take notice of such their election and to repair to the Assembly at time and place aforesaid Given at Saint Marys this first day of July 1642

Writt to M^r Giles Brent for summoning the Freemen of Kent to elect &c^a one or two Burgesses

Eod. Personall writts issued to

Captain Thomas Cornwaleys
M^r Giles Brent
Captain William Blount
M^r John Langford

July 13th like personall writts issued to
Thomas Gerard

Eodem Writt to M^r Thomas Gerard to summon to Assemble at Convenient place the freemen of Saint Clements hundred to elect one or two Burgesses

17th July 1642

Cyprian Thorowgood Sheriff returned elected for Burgesses by the Freemen of Saint Marys hundred

M^r Thomas Greene
Nathaniel Pope

The said Sheriff returned elected by the Freemen of Saint Liber M C
Michaels hundred

Thomas Steveman
John Langford Carpenter

Eodem personal writts to

M ^r Robert Evelin	} Gent
M ^r Cuthbert Fennick	
M ^r Robert Clerk	
M ^r William Britton	

18th July 1642 morning
Assembled
Lieutenant General
Secretary

Called in by special writts

Captain Thomas Cornwaleys Esq^r appeared
M^r Giles Brent Esq^r Captain Cornwaleys exhibited his Proxy
and was admitted
Captain William Blount Esq^r
M^r John Langford Esq^r appeared
M^r Robert Evelin Gent appeared
M^r Thomas Gerard Gent appeared
M^r Cuthbert Fennick Gent appeared
M^r Robert Clerk Gent
M^r William Britton Gent appeared

Burgesses called for

S ^t Marys hundred	{	M ^r Thomas Greene Gent appeared & ad-
		mitted
		Nath Pope Planter
Saint Michaels hundred	{	Tho ^s Steeveman Cooper
		John Langford Carp ^r
S ^t Georges hundred	{	David Whitcliff } appeared &
		George Pye } admitted
S ^t Clements hundred		William Broughe appeared & admitted
Conception alias	{	
Mattapanient hund ^d		

p. 189

Kent County appeared Richard Thompson and Robert
Vaughan who exhibited themselves proxies for the several
Freemen of Kent who elected them as such and shewed their
names but they were refused to be admitted as such in regard
the act had appointed Burgesses and the writt had commanded
the election of Burgesses then they pleaded that the freemen

Liber M C had likewise elected them Burgesses and desired as such to be admitted whereupon M^r Giles Brent Letter was lookt into and there found a certificate of their election as Burgesses whereupon they were admitted as such

p. 190 Then stood up Henry Bishop and exhibited himself Burgess for Saint Leonards hundred and pleaded that it was acknowledged to be a hundred upon the probate of a will whereupon he was answered that it was not yet created a hundred and last election of Burgesses they were joyned to Mattapanient hundred and that they had no writt to elect Burgesses Burgesses and therefore their election not legal & their Assembly to that purpose unlawful

18th July

Richard Garnett Senior returned Henry Bishop Elected Burgess by the freemen of Conception alias Mattapanient hundred

Eodem in the afternoon

Assembled

The Governor

Secretary

M^r Langford

M^r Gerard

M^r Evelin

M^r Fennick

M^r Clerk

M^r Greene

Robert Vaughan

Richard Thompson

Thomas Steerman } Appeared Burgess for Saint
 } Michaels hundred and admitted

David Whitcliff

Nathan. Pope

George Pye

Henry Bishop

William Broughe

John Langford } Appeared Burgess for Saint
 } Michaels Hundred & Admitted

p. 191 Robert Vaughan in the name of the rest desired that the house might be Seperated & the Burgesses to be by themselves and to have a negative but it was not Granted by the Lieu^t General

Then upon motion made of a march against the they expressing a great Opposition to it the Lieu^t General told the Burgesses he did not intend to advise with them

whether there should be a march or not for that Judgment belonged solely to himself as appeared by the Clause of the Pattent touching the power of war and peace but to see what Assistance they would Contribute to it in case he should think fit to go; and a motion was made by the Secry that a Bill might be drawn up for the levying of 20^l of tobacco p head toward the charge of it whereto the Burgesses desired to have the Patent to peruse & respite till next morning to advise of their answer

Whereupon the house was adjournd till the third Beating of the drum next morning

29th July 1642 morning

Assembled

Governor	M ^r Greene
Secretary.	Robert Vaughan
Captain Cornwaleys	Richard Thompson
M ^r Langford	William Broughe
M ^r Evelin	Geo Pye
M ^r Gerard	Henry Bishop
M ^r Fennick	Tho ^s Steerman
M ^r Clerk	Nathan Pope
	Jn ^o Langford
	David Whitcliff

The house agreed upon these Orders following

p. 192

1 Any ten members of the house at any time assembled at the usual or appointed time whereof the Lieu^t General and six burgesses to be seven shall be a house unless sickness do hinder that number in which case only the members present to make the house

Consented to by the Freemen

Enacted by the Lord Proprietary

2 Any one of the house not appearing upon call after the third beating of the drum shall forfeit 100^l tob unless he have Leave of the Lieu^t General for absence

3 The Drum to beat as near as may be to sunrising and half an hours distance between each beating

4 No Bill to be read above once in one day

5 None to speak in one day above once to one Bill without leave of the Lieutenant General upon pain of 20^l tob if two or more rise together the Lieu^t General shall determine who shall speak first

6 None to use any undecent taunting or reviling words to the naming or personating of any member in the house or any

Liber M C other way misbehave himself in his speech upon pain of such censure as the house shall think fit

Upon the motion of the Secretary intimating the necessity to pass the first of these Orders by way of Bill in regard of an act in force the first Order was read by it self as a Bill and passed by all the Freeman Then the Lieu^t General enacted it in his Lordships name for a Law

p. 193 And it was declared that it did repeal the former Act

Then the house appointed a Committee to meet every afternoon at 3 of the Clock at the place appointed by Captain Cornwaleys (who is to have the chair) the Committee to Consider of all Bills fit to be propounded to the house and of all petitions and to make Report to the house

Names of the Committee

Captain Thomas Cornwaleys

M^r Secretary

M^r Robert Evelin

M^r Tho^s Greene or Nathan Pope

Richard Thompson

Robert Vaughan

David Whitcliffe or George Pye

The house adjourn'd till next morning

20th July 1642

Assembled as afore

M^r Secretary exhibited his Proxy for M^r Gerard and allowed

Then was read the Bill touching the house of Assembly fairly engrossed and two Clauses added to it touching the repealing of all former acts & the limiting the act to endure till the end of the next Assembly

Then the Bill was accepted and signed by Cap^t Cornwaleys and M^r Greene and published under the Great Seal

p. 194 Read the first time the Bill

1 For the rights of the Lord Proprietary and liberties of the People

2 For support of the Government

3 For Judges

4 For Rule of Judicature

5 Particularly providing for some Offences

6 For appointing Officers

The house adjourn'd the house till next morning

The Lieutenant General Authorised the Committee to send Liber M C
for any parties or administer an oath or imprison upon Con-
tempt or use any power necessary to the trying of any Cause

21 July 1642 morning

Assembled as afore

Read the first time the Bill

- 1 For appeals and Order of hearing Causes
- 2 For Court days
- 3 For remedy of Plaintiffs in some cases
- 4 Forms of Proceedings in Causes
- 5 Tryall and Judging of Causes
- 6 Verdicts and Judgments
- 7 Rule of Executions

The appointment of the Committee was discharged

The house adjourn'd till next morning

22 July 1642

M^r Fennicks absence was excused by L: G: Cap^t Cornwaleys
exhibited his Proxy & was admitted

^{rest} Assembled as before

Then was read the first time after amendment the Bill p. 195

- 1 For the right of the Lord Proprietary &c^a
- 2 For Support of the Government
- 3 For Judges
- 4 For rule of Judicature

The house adjourn'd till next morning

23 July 1642 in the morning

Assembled as afore except M^r Clerk amerc'd 100^t tobacco
absence excused by Lieu^t General

Read the first time the Bill

- 1 For executing upon corn or tobacco
- 2 For Officers
- 3 For executions
- 4 Touching Causes testamentary
- 5 Succession to Goods of Intestates
- 6 Assignments
- 7 Taking up of Land
- 8 Payment of Tobacco's
- 9 Passes
- 10 Servants Land

house adjourn'd till Tuesday morning

Liber M C

26th July 1642 morning

p. 196 Assembled as afore except Captain Cornwaleys absence excused by Lieu^t General

Read the petition of George Binks for a publick Salary to the finding of a Chest and the house and the house thought not fit to admit the Petition

Was read the first time the Bill

- 1 For Greater capitall Crimes
- 2 For less Capitall Crimes
- 3 For some Offences not Capital
- 4 Prohibiting lending arms to Indians
- 5 Against taking of Canowes
- 6 Against Drunkenness
- 7 Against Swearing

the house adjourned till next morning

27th July morning

Assembled as afore with Captain Cornwaleys

Read the first time the Bill

- 1 Against exportation of Corn
- 2 For Planting of Corn
- 3 Against Forestallers and Ingrossers

read the Second time

1 For the rights of the Lord Proprietary &c^a question for the clause non Obstante [any thing in the Patent &c^a notwithstanding] voted it should remain & the Bill to be engrossed

- 2 For support of the Government engrossed
- 3 For judges engrossed
- 4 For rule of Judicature engrossed
- 5 For Officers engrossed
- 6 Appeals engrossed
- 7 Appointing the order of hearing &c^a

house adjourned till next morning

p. 197

28th July morning

Assembled as afore except M^r Langford

Read the second time again the Bill

- 1 For the Order of hearing Causes Voted to be engrossed
- 2 For Court days voted to be engrossed
- 3 Remedy for Plaintiffs in some Causes voted to be engrossed
- 4 Forms of proceedings in Causes Voted to be engrossed
- 5 The trial and judgment of Causes

the house adjourned till afternoon 3^d beating of the Drum

28th July afternoon

Liber M C

Assembled as afore

Read the second time again the Bill

- 1 For trial and judging of Causes voted to be engrossed
- 2 Touching Verdicts and judgments voted engrossed
- 3 Rule for executions voted engrossed

Adjourn'd till next morning

29th July 1642 morning

Assembled as afore

Read the second time the Bill

- 1 For executing upon corn or Tobacco voted engrossed
- 2 For causes testamentary voted engrossed
- 3 Succession to Goods of intestate voted engrossed
- 4 Greater Capital Offences voted engrossed
- 5 Less Capital Offences voted engrossed
- 6 Succession to Land first read and second time
- 8 Some Offences not Capital voted engrossed
- 8 Touching Boats or canoes voted engrossed
- 9 Drunkenness voted engrossed
- 10 Swearing voted engrossed

p. 198

house adjourn'd till afternoon third beating of the Drum

29 July 1642 afternoon

Assembled as afore

Read the first and second time the Bill

- 1 for Serjeants of trained bands voted engrossed
- 2 for delivering Arms to Indians voted engrossed
- 3 touching Assignments voted engrossed
- 4 taking up of Land voted engrossed
- 5 Payment of Tobacco's rejected
- 6 Passes engrossed
- 7 Planting of Corn engrossed
- 8 Exportation of Corn engrossed
- 9 Engrossers and forestallers engrossed

the next day afternoon appointed for a Session
the house adjourn'd till next morning

30 July morning

Assembled as afore except Captain Cornwaleys whose
absence was excused by Gov^r

Liber M C Read the petition of Henry Bishop touching a Remedy against the Indians of Patuxent for kill^s his swine and answered that he is required to prove his petition & then he shall have a remedy

p. 199 The Lieu^t General appointed the Persons then present in the house to be a Committee in his absence and have the Committee all Power necessary to Judicature upon the petitions now presented in the house

30th July Afternoon

Assembled as afore with Captain Cornwaleys

Read the first and second time a Bill appoint^s what shall be judged a sufficient tender and voted to be Engrossed

Read the third time engrossed the Bills

- 1 For right of the Lord Proprietary
Denied by Captain Cornwaleys for his Proxy M^r Brent
passed by all the rest of the house
time of advising taken by Lieu^t General
- 2 For support of the Government
passed by all the Freemen
Enacted by L^t Gen^l in his Lordships name
- 3 For Judges passed by all the freemen
Enacted by L^t Gen^l in his Lordships name
- 4 For rule of Judicature
passed by all the Freemen
Enacted by L^t Gen^l in his Lordships name
- 5 Appointing of Officers
put to the question whether those words [or Lord of a Mannor] shall be left out of the bill and that they should voted by all except Captain Cornwaleys for himself and his Proxies M^r Greene and Nathan^l Pope
- p. 200 After that amendment the Bill passed by all except the persons that voted as afore against the amendm^t of it and enacted by the Lieu^t General in his Lordships name
- 6 For appeals
Passed by all the Freemen
enacted by the L^t Gen^l in his Lordships name
- 7 For the Order of hearing Causes
After an addition to it in the end for the swearing of the keeper of a Record
Passed by all the Freemen
Enacted by the L^t Gen^l in his Lordships name

8 For Court days Liber M C
Passed by all the Freemen
Enacted by the L^t Gen^l in his Lordships name

9 Appointing some Remedy for Plaintiffs
Passed by all the freemen except Geo Pye
Enacted by the Lieu^t General in his Ldshps name

10 Touching forms of Proceedings
Passed by all the freemen
Enacted by the Lieu^t Gen^l in his Ldshps name

11 Touching Verdicts and judgments
Passed by all the freemen
Enacted by the L^t Gen^l in his Ldshps name

12 Providing some rule for Executions
Passed by all the freemen except M^r Greene
Enacted by the L^t Gen^l in his Ldshps name

13 Touching trial & judging of Causes
Passed by all the Freemen
Enacted by the L^t Gen^l in his Lordships name

14 Touching executing upon Corn or Tobacco p. 201
Voted to be amended and new Engrossed

The house adjourned till monday morning

1st August 1642

Assembled as afore

Read the third time engrossed the Bill

1 For executing upon Corn or Tobacco
Upon the question whether these words [in one Court]
should be put out it was voted that they should

Upon another question it was voted that these words
[Landlords rents] should be incerted

Upon another question it was voted that this word
[Recognisance] should be incerted and in another place the
word again in the plural number [Recognisances]

Then was the table of fees read in the house and signed by
the Lieu^t General and Council

Afterwards the Bill was passed by all the freemen except

{ M^r Greene
Richard Thompson
Robert Vaughan
George Pye
William Broughe

Then was enacted by the Lieu^t Gen^l in his Lorships name

Liber M C
p. 202

2 For Causes testamentary

Upon the question it was voted that these words [or the major part of them] should be incerted as likewise these words [of this Province] twice

then it was passed by all the Freemen
Enacted by Lieu^t Gen^l in his Lordships name

3 For succession to the goods of intestates

Upon the question it was voted that these words [and Chattels] should be incerted afterwards

Passed by all the freemen
Enacted by the Lieu^t General in his Lordships name

4 For succession to Lands

Upon the question these words [of freehold] were altered into these [of land in fee]

Likewise that these words should be added [and to the mansion house to hold it during her widowhood]

Passed by all the Freemen
Enacted by Lieu^t Gen^l in his Lordships name

5 Touching Assignments

Passed by all the Freemen
Enacted by Lieu^t Gen^l in his Lordships name

6 For Greater Capital Offences

Upon the question these words [offences done within this Province which are declared treason &c^a] were put instead of those [offences of treason declared &c^a]

Passed by all the freemen
Enacted by the Lord Proprietary

7 For Offences less Capitall

Upon the question these words [for Life] were incerted into the forfeiture of Land

p. 203 Passed by all the Freemen
Enacted by Lieu^t Gen^l in his Ldshps name

8 For Offences not Capitall

Upon the question whether these words [or Officers] should be put out or no, that they should was voted by all the freemen except

{ Governor
Cap^t Cornwaleys for himself &
2 Proxies
Secretary for himself and 1 Proxy
M^r Evelin
M^r Greene

Passed by all the freemen
Enacted by the Lieu^t Gen^l in his Lordships name

Upon a new debate it was put to the question whether the last bill should be voted again or no & that it should was voted by all the Freemen but

{ John Langford
George Pye
William Broughe
John Sterman
David Whitcliffe
Nath Pope

Then it was amended by altering those words [or Officer] into these [or high Sheriff of a County]

And with this amendment upon the second voting of it, it was

Passed by all the freemen

Enacted by Lieu^t General in his Lordships name

9 For taking of Boats &c^a

p. 204

Upon the debate of that Parenthesis in the bill [unless for Service] which was desired to be put out by some of the freemen and the bill refused by the L^t General unless it were in the bill upon the voting it was rejected by the major part

10 For Drunkeness

Moved by M^r Thompson that the Bill might be applied toward the building of some Church &c^a because it was not admitted the bill was passed by all the freemen, except

{ M^r Thompson
Rob^t Vaughan
John Langford
George Pye
Nath Pope
David Whitcliff
Thomas Sterman

Enacted by the Lieu^t Gen^l in his Lordships name

11 For Swearing

passed by all except { Nath: Pope
Rob^t Vaughan
John Langford

Enacted by the Lieu^t Gen^l in his Ldshps name

12 For delivering arms to Indians

An Amendment was proposed touching leaving free of the L^t Gen^l to give license

this am^{dmt} was preferred by { Lieu^t General
Cap^t Cornwaleys & 2 Prox^s
rejected by all the rest { Secretary & 1 Proxy
M^r Evelin

The Lieutenant General said he would advise of it further p. 205

Liber M C 13 Touching the house of Assembly
divers amendments proposed by the Lieu^t General and
Council none agreed to
The Bill as it was engrossed passed by all the freemen
except

{ Lieutenant General
Captain Cornwaleys & 2 Proxies
Secretary & 1 Proxie
M^r Evelin
M^r Thompson

The Lieu^t General said he would advise of it further

14 For the Serjeants fee of the train'd Bands

rejected by all except { Lieutenant General
Captain Cornwaleys & two proxies
Secretary and 1 Proxy
M^r Evelin
M^r Thomson

15 Touching taking up of Lands

passed by all the Freemen

Enacted by the Lieu^t General in his Ldshps name

16 Touching passes

Upon the question it was voted [or another mans servant
should be incerted

p. 206 Then it was put to the question whether the Bill for the fee
of the Serjeant &c^a should be voted again and it was voted
that it should then was that bill passed by all the freemen
except

Robert Vaughan
Geo Pye
Nathan: Pope

Enacted by the L^t Gen^l in his Lordships name

Then were some amendments propounded again in the Bill
against delivering arms to Indians but nothing determined
the house adjourn'd till Afternoon

1st August afternoon

Assembled as afore

Then was read the third time engrossed the Bill

1 For Passes

Upon the question it was voted that these words should be
incerted [after the publishing thereof in the County] by judg-
ment upon record or another mans servant or the parties own

servant and indebted by judgment upon record (except it be an apprentice [or and these or] another mans servant or the parties own Servant as afore] Liber M C

Passed by all except Captain Cornwaleys for himself & Proxies

Enacted by the Lieu^t General in his Lordships name

2 Touching planting of Corn

Passed by all except Captain Cornwaleys for himself and 2 Proxies p. 207

Enacted by the L^t General in his Lordships name

3 Touching exportation of Corn

Passed by all except Captain Cornwaleys for himself and 2 Proxies
George Pye
Henry Bishop
Tho^s Sterman

Enacted by Lieu^t Gen^l in his Lordships name

4 Against Ingrossers and Forestallers

Upon the question it was resolved that instead of those words [within the Province] should be put these [within the County] in both Places

Passed by all except Captain Cornwaleys for himself and 2 Proxies

Enacted by the Lieu^t Gen^l in his Lordships name

5 What shall be judged a lawful tender

passed by all except	{	M ^r Greene	difficulty was these words [in some place] would have had it by a in a place
		Jn ^o Langford	
		Geo. Pye	
		Nath: Pope	
		Hen: Bishop	
		Tho ^s Sterman	
		W ^m Broughe	
		David Whitcliff	

Enacted by the Lieu^t Gen^l in his Lordships name

Then M^r Greene excepted against the voting of this Bill that it was not by the major part of Burgesses as it ought to be whereupon the act was read made in the beginning of this Assembly and it was found that the Company present was a house and in this house every one present whether by personal writt or as Burgess had a voice and that the major part of such voices present and such as they were to be Proxies for was to be judged the vote of the house p. 208

Then were divers petitions read and answered as of John Hallowes vertus Secretary, of Rob^t Nichols of Thomas Boys: v Cauther

Liber M C Then the house appointed for a Committee

Mr Secretary
Mr Greene
Mr Thompson
Robert Vaughan
Nath: Pope
George Pye

And gave the Committee power to allow the acco^{ts} of Bur-
gesses and Officers of this Assembly and to Assess the Sums
due from every hundred upon all the freemen of every hun-
dred (not called by special writt) and appointed that such
assessment entred upon record shall be a judgment to all
respects and that the Sheriff shall collect the said leavys

Then it was Ordered upon motion of the freemen that the
Treasurer should bring in his Accounts touching the Leavies
had been made upon the Prov^e at the next Court in October
there to be examined & published

Then the L^t General dissolved the house

p. 209

2^d August 1642

At Committee Present

Mr Secretary
Mr Greene
Mr Thompson
Robert Vaughan
Geo Pye
Nathan: Pope

Mr Thomas Greene and Nathaniel Pope

The Burgesses of Saint Marys hundred demand to be
allowed

p common {	To Clerk of Assembly.	140 ^t
charge viz ^t {	To Drummer.	10
p 13 Days attendance at 40 ^t p day, p each Burgess }		
is in all.		1040
		<u>1190</u>

And were allowed according to the demand

And the sum of 1260^t was assessed upon the hundred for
the payment of the said acco^t and charge & hazard of Collect-
ing it and it was assessed to be levied of the Persons and after
the rates following viz^t

Elizabeth Beach.	30 ^t	Mr Howkins.	30 ^t
Christopher Carnol.	30	Jn ^e Holderne.	30
Edward Parker.	30	William Cox.	30

Edward Cottam.....30 ^l	Andrew Scotch..... 30 ^l Liber M C
D ^r Binks.....30	Alexius Putton..... 30
Robert Dixon.....30	Peter Drap..... 30
Henry Hoop.....30	John Harrington..... 30
Tho ^s Boys.....30	Robert Perry..... 30
Roger Oliver.....30	Robert Ellison..... 30 p. 210
Joseph Edlo.....30	Robert Nicholls..... 60
John Norman.....30	Nath Pope.....180
John Halfhead.....30	M ^r Greene..... 60
William Hardige.....30	M ^r Wiseman..... 60
Barn: Jackson.....30	Thomas Davis..... 30
John Dandy.....30	

Richard Thompson and Robert Vaughan Burgesses of Kent demand to be allowed

p common charge to	{ Clerk of Assembly.....350 ^l
	{ Drummer..... 50
p 20 days attendance at 40 ^l p day p each Burgess is	{
in all.....	{ 1600
p hire of Boat 3 Weeks at 33 ^l p Week.....	100
p hire of 1 Servant and his diett for 20 days at 30 ^l p	{
day.....	{ 600
This demand is allowed	2700

And the sum of 2944^l was assessed upon the County for the payment of the said Acco^t and charge and hazard of Collecting it and it was assessed to be levied upon the persons and after the rates following

M ^r Thompson.....224 ^l	William Lant..... 32 ^l
John Lee..... 32	Thomas Stint..... 64
Tho ^s Johnson..... 32	M ^r Cox..... 32
Tho ^s Butler..... 32	Francis Rabnett..... 32
W ^m Smith..... 32	Mathew Rodan..... 32
W ^m Wildy..... 32	John Bennett..... 64
Tho ^s Bradnock.....128	James Clauson..... 96
Nich Polhampton.....032	Thomas Parker..... 32
Giles Basha..... 64	Walter Smith..... 32 p. 211
Jn ^s Gresham..... 32	Thomas Allen..... 32
Robert Lake..... 32	John Thompson..... 32
Philip Conner..... 32	Robert Huell..... 32
John Philips..... 32	John Russell..... 32
Tho:.....	M ^r Purivant..... 32
William Berry..... 32	Charles Stuart..... 32
Robert Short..... 32	M ^r Browne..... 32
Derrick Geritson..... 32	Henry Foutch..... 32
Edward Tompson..... 32	M ^r Philpot..... 32
Edward Comins..... 32	M ^r Lodington..... 96
Thomas Dyar..... 32	John Powell..... 32

Liber M C	William Portar	32 ^t	Thomas Arnold	32 ^t
	Thomas Keine	32	Thomas Hales	32
	Ralph Petiman	32	Thomas Games	32
	Walter Weeks	32	Francis Brooks	160
	Andrew Basha	32	Roger Baxter	32
	John Abbott	96	Howell Morgan	32
	John Marwood	32	Mr Vaughan	32
	Mr Walker	32	Jo: Palmer	32
	William Risbrook	32	Jo: Smith	64
	John Hill	32	Henry Bellamy	32
	Richard Smith	32	James Johnson	32
	Edward Parry	32	John Ormsby	32
	Henry Morgan	32	William Jackson	32
	John Peare	32	William Naufin	32
	Richard Hobin	32		
	Richard Pinner	32		
	George Crouch	32		

p. 212 George Pye and David Whitcliffe Burgesses of Saint Georges hundred demand to be allowed

p Common charge to	{ Clerk of Assembly	170 ^t
	{ Drummer	10
p 13 days attendance at	40 ^t p day p each Burgess is	} 1040
in all		
		1220

And the sum of 1316^t tob was assessed upon the hundred for the payment of the said acco^t and charge and hazard of Collecting it and it was assessed to be Levied of the Persons and after the rates following viz^t

Thomas Hebden	28 ¹	Francis Pope	28 ¹
William Marshall	28	Nicholas Cossin	108
John Stagg	28	Henry Lee	28
Arnold Fueefe	28	Thomas Pasmore	28
Joseph	84	John Cook	28
Walter Bean	28	Will ^m Marsenin	28
Thomas Murns	28	Jn ^o Robinson Car	28
James Johnson	28	Miles	28
John Nume	28	Robert Kedger	56
David Whitcliff	84	Augud Baker	28
Richard Cole	28	John Court	28
George Pye	28	John Nevill	28
Mr Weston	84	John Harwood	28
John Rutlige	28	John Elkin	28
Arthur le hay	28	John Sutton	28

William Broughe Burgess of Saint Clements hundred demandeth to be allowed

p Common charge of	{ Clerk.....	80 ^l	Liber M C
	{ Drummer	10	
p 15 Days attendance at 40 ^l p day		600	p. 213
		<u>691</u>	

And the demand is allowed

And the sum of 750^l was assessed upon the hundred for the payment of the said hundred and charge & hazard of collecting it and it was assessed to be Levied of the Persons and after the rate following viz^t

Mr Neale	30	William Broughe	30
William Cook.....	30	Edward Symson	30
Joseph Coop	30	John Worthy.....	30
John Robinson Car.....	30	Simon Richardson	30
Philip West.....	30	Mr Bretton	60
Robert Tutty	30	John Medley	90
John Longworth	30	John Mansell	30
Robert Edwards	30	Richard Nevill.....	30
John Hatch.....	30	Richard Hill	30
John Thompson	30	Thomas Bushell	30

John Langford and Thomas Sterman Burgesses of Saint Michaels hundred demand to be allowed

p Common charge of	{ Clerk	190	
	{ Drummer.....	10	
p 13 days attendance at 40 ^l p day }			
for each is in whole	}	1040	
		<u>1240</u>	

And the demand is allowed

And the sum of 1344^l tobacco was assessed upon the hundred for the payment of the said Acco^t and Charge and hazard of Collecting it and it was assessed to be levied upon the persons and after the rates following p. 214

Mr Cockshott	69 ^l	Peter Macrill	46
Mr Thorowgood.....	46	Thomas Franklin	23
Nicholas Keytin.....	23	Thomas White	23
John Hallowes	69	Jn ^o Hallowes carp	23
Thomas Willis	23	Anth: Rawlins.....	23
John at An Rawlins	23	John Norton	23
Henry Brook	115	Robert Smith	23
Thomas Baldrige.....	23	Tho ^s Sterman	46
Stephen Thomas	23	John Hilierd	23
Henry James	23	John Langford	23
John Prettiman	23	Thomas Orly	23
William Thompson	23	William Edwin	23
Marks Pheypo	23	Richard Duke.....	23

Liber M C	Thomas Allen.....	23	John Price.....	46
	John Weywill.....	23	William Browne	23
	John Thrachra Car.....	23	Tho ^s Thomas	23
	James Cauther	23	John Warren	23
	William Durford	23	Walter Broadhurst.....	46
	Barth Lewis	23	Thomas Yewell.....	23
	Francis Gray	23	M ^r Pursals.....	23
	Robert Sedgrave	23	James at Grays.....	23
	John Hamton	23	John Malburgh.....	23
	Isaac Edwards			

Henry Bishop Burgess of Mattapanian hundred demandeth to be allowed

p Common charge of {	Clerk.....	80 ^l
	Drummer	10

p 15 Days attendance at 40 ^l p day	600
	<hr/> 690

And the demand is allowed

And the sum of 726^l was assessed upon the hundred for the payment of the said acco^t and hazard of Collecting it and it was assessed to be levied of the persons and after the rate following viz^t

Richard Garnett.....	66	Walter King	33
Richard Lusthead.....	66	Francis Posie.....	33
Walter Cotterell	33	M ^r Dracutt	33
Francis van Ryrden	33	Tho ^s Petitt.....	33
Thomas Charington	33	John Gye.....	33
Nicholas Henry.....	132	Simon Dennibiell.....	33
Lewis Froman.....	33	Henry Bishop	33

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At the General Assembly held at St Maries on the 19th day of July 1642 Enacted by the Lord Proprietarie with the Consent of the freemen as followeth

Any tenn members of the house at any time assembled at the usuall or appointed time (whereof the Leivten^t Generall & Six Burges's to be Seaven) shall be a house unless sickness do hinder that number In which Case only the members present to make the House This Act to repeale all other or former touching the house of assembly This act to endure till the end of the next Assembly

Published under the great Seal the 20th day of July 1642
Enacted the 30th July 1642

An Act For Support of the Govern^t

For the better Support of the Lord Proprietarie all Tobacco's Shipped to be transported out of the Province (except to Eng-

land Ireland or Virginia as the last port) Shall pay a custome of five in the hundred to his Lordship This act to endure till the end of the next Assembly

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An Act For Judges

p. 80

The Judge in all causes shall be such person or persons as are or shall be from time to time authorized thereunto by Commission from or under the Lord Proprietarie (in his absence from or under the Leivten^t generall, Except that in causes not limited in the rule or Sentence by any certain Law of the Province Judgm^t shall be by the Leivten^t Generall & Councell of the province then present in Court or the major part of them (if it be in the Provinciaall Court) or by the Leivten^t generall of the Province or Commander or Commis^{rs} of the County then present in Court or the major part of them (if it be in the County Court) and if the votes of the said Judges be equall that Sentence shall be entred w^{ch} is given by the cheif Judge in Commiss^o Provided that no Judge exercise any act of Judicature before he have taken an oath to administer equall justice to all persons according to the laws of the province to the best of his Skill & power and to delay nor deny to no man right or Justice And in case of absence or infirmity of the cheif Judge in Commiss^o upon any of the Court days appointed by the law & in cases wherein the said cheif Judge in Commiss^o (other then the Leivtenant Generall) is interested as a party The next in Commiss^o (being present in Court) shall supply his place during such his absence to all power and effects which the said ordinary Judge was authorized in unless some other be appointed by the Leivtenant Generall This Act to endure till the end of the next Assembly

An Act For Rule of Judicature

Right & just in all civill Causes shall be determined according to the law or most Generall usage of the province since its plantacōn or former presid^{ts} of the same or the like nature to be determined by the Judge And in defect of such Law usage or president then right & just shall be determined according to equity & good conscience not neglecting (so far as the Judge or Judges shall be informed thereof & shall find no inconvenience in the applycation to this province) the rules by which right & just useth & ought to be determined in England in the same or the like cases And all crimes and offences shall be judged & determined according to the law of the Province or in defect of certain Law then they

p. 81

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C & W H may be determined according to the best discretion of the Judge or Judges judging as neer as Conveniently may be to the laudable law or usage of England in the same or the like offences Provided that no person be adjudged of life member or freehold without Law certain of the Province This Act to endure till the end of the next Assembly

An Act Providing for Officers

The Lord Proprietarie or his Leivten^t generall (in his Lordships absence) may appoint any person to be Conservat^{rs} of the Peace or Command^r or Commiss^r of any Court wherein he is ordinarily resident dureing his abode in that County or to execute or returne any Commiss^o to him directed for examining or Certifieing any matters and may appoint any person that hath been freed by Service) to execute to any other office or Command soe there be reasonable fee allowed for it to be determined by the Judge And yeerly at or afore the end of the County Court in March the Councill or Major part of them then present in Court if it be in the Provinciaall Court or otherwise the Commiss^{rs} of the County if it be in the County Court or the major part of them then present in
p. 82 Court shall nominate & recommend to the cheif Judge then Sitting in Commiss^o such persons as they Shall think fittest for to execute the office of Sherif out of which persons the said Cheif judge shall or may appoint one to be Sherif of the County for the year next following or otherwise may appoint any other not being of the Councill and may demand and take such recognezances, or Security for the well discharge of his .office as he shall think fitt And any partie refuseing to obey any the lawfull appointm^{ts} aforesaid may be fined and imprisoned till he submitt This act to endure till the end of the next Assembly

An Act touching Appeals

No appeal shall be admitted from any inferior Court afore judgm^t given and untill Sufficient Security shall be put into the cheif Judge of the said Court for the prosecution of the appeal within a Certain time reasonably given & for abideing the judgm^t of the Superior Court and if the super^r Judge or Judges find no cause of appeal he or they may find the appealant & adjudge treble damages to the partie greived This act to endure till the end of the next Assembly

An Act appointing the order wherein Causes
shall be heard and determined

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Upon any Court day all causes wherein issue is joyned and both parties present & ready for tryall shall have right to be called to hearing & determination in the order as the date is of their entry

And the keeper of the Record shall enter all causes in the order as the demand is made of entry and if more demand together at one time if it be out of Court The keeper of the Record shall use his discretion for the order of the entry If in Court the cheif Judge in Court shall determine of the order If divers Causes be entred upon Record on one day the Clerk entring shall distinguish them with figures according to the order of their entry In all other causes the Court may hear them in such order as they shall think most agreeable to right and equity provided that civill actions wherein the Lord proprietarie is plantif for debt duty or damage (arriseing otherwise then by fine forfeiture or Composicōn for such fine or forfeiture or by assignm^t not made bonâ fide upon good and valuable consideration at or afore the assignm^t) shall have right to be first heard & determined afore any other And the judgm^t first entred shall have right to have first execution out of the office if it be demanded (except as afore excepted) And the execution first delivered to the Sherrif & the persons lands or goods shewen or tendred to be shewen upon which the execution may be layd shall be first served by him upon such persons, lands or goods as aforesaid upon paine of fine and damage to the partie grieved. Provided that the keeper of a Record shall enter no record in his own behalf without the hands of some judge of the Court to the Record nor shall record anything after the publishing hereof in the County unless he be sworne to keep true Record This Act to endure till the end of the next Assembly

p. 83

An Act appointing Court Days

The first day (not being Sunday or holy day) in the Severall months of June October December Febuary March & Aprill shall be ordinary Court days in the Courts of S^t Maries and the first day (not being sunday or holy day) in the months of July September, November & January and the next day (not being Sunday or holy day) after the 14th day of December January Febuary March and Aprill shall be ordinary Court days in every other County wherein (and in the days following afore the Court break up) all issues joyned or Petitions entred afore any the said Severall Court dayes respectively shall be

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heard and ordered upon the request of either partie And no Court may be held for the determination of any civill Cause upon any other then the days afores^d untill the holding of such Court have been published by some note sett up at the usuall Place at the least ten days before to the end all persons whom it Concerns may have notice of it This Act to endure till the end of the next Assembly

An Act providing remedy for Plantifs in some Cases

The Defendant returned served & defaulting in appearance the Judge may admitt the plaintiff to prove his demand and if he see cause may proceed to judgm^t And any writt shall be judged Sufficiently served if it, were shewen declared or tendred to the party or left at his usuall plantacōn in presence of his wife Servant mate or child of age And affidavit made that the party had or might have knowledge of it. And in case where the defend^t is not an inhabitant of the or is absent out of it the judge may give reasonable time for his answeare according to the Case and in default of answeare may admit the plantife to prove his demand & proceed to judgm^t if he see cause where any party is presented or indicted by 12 freemen to be fugitive out of the province such fugitives lands and goods may be bound by judgm^t or delivered in execution to the Creditors makeing such proof as the judge shall think Sufficient and the residue (if any be) shall be delivered to the party or parties lying within the province haveing next right to Succeed & in defect of such shall be seized to the use of the Lord Proprietarie & the goods of such person shall be disposed of as in Case of intestate This Act to endure till the end of the next Assembly

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An Act For the Formes of Proceeding in Causes

Every Judge & Court authorized or allowed by the Lord Proprietarie or the law of the Province shall or may have and use all necessary & Sufficient power for the administracōn of Justice & doing or causeing right to be done to all persons & appointing the formes & means of it & awarding all necessary processe to that end in such form and unto such Effects & under such reasonable penalties as the judge or Court shall think fitt guiding themselves as neere as conveniently they may to the former precidents & usages of the Court and in defect thereof to the formes, of England in the same or the like cases except were anything is Specially provided for by the Law of the Province This Act to endure till the end of the next Assembly

An Act ordering somethings touching the
tryall and judging of Causes

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The judge may administer an oath to either party in any civill cause for the better investigation of the truth and upon any ones refusall may proceed against him as if he had Confessed the matter enquired of him by oath the Defend^t in any cause civill or Criminall may put himself for tryall upon the judge or Court or, upon his Country or may wage his Law in cases allowable by the law of England if both parties joyn in the tryall it Shall be tryed according to their agreem^t If either party desire to be tryed by the Country & put in Security to pay the charge of the jury the issue shall be tryed by the oath of 12 freemen returned by the Sherrif and thought fitt by the Judge to be admitted upon the exception of either p^rty And if the other party joyned not in the tryall by the Country he that caused the jury shall defray the Charge of it without putting, it to costs except that in Crimminalls extending to losse of life or Member the offender may demand to be tryed by the Jury without putting in any Security for the charge The Sherrif in a warning of Juries shall observe a Certaine course & order of turnes among all the freemen of the County (The Councell or Commiss^{rs} only excepted) to which end the writt for warning the Jury shall not be returnable untill 15 days at the least after the delivery of it to the Sheriff And the Sherrife upon receiveing any writt may award out p^rcepts to any his under Sherife or Bailiffe in any hundred or division to the Effect of the writt w^{ch} precept shall be of force to all persons & the return of such under sherrife or Baileife may be returned by the Sherif wageing of Law against an accompt book shall be admitted according to the sound discretion of the Judge where any executor or Administrator is party to the action the Judge may admitt such prooffe as he shall think necessary & Sufficient according to the Case This Act to endure till the end of the next Assembly

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An Act Touching Verdicts & Judgments

In actions of debt upon acc^t It shall be a good plea for the defendant to say the Plantife (or other party whoes assigne the plantif is) is indebted to him upon account in which Case the account shall be ballanced and judgment given only upon the Clear account If the Judge think any verdict greivious to either party or exceeding the issue Committed to their enquiry he may return them to consider better of it or charge another Jury with it at the instance of either party desireing it and undertakeing the charge To which end the point in issue shall

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p. 87 likewise in writing under neath it which shall be kept upon a
fyle by the Clerk of the Court for the justification of his Entry
And if the Judge find the Jury evidently partiall or willfull he
may charge another Jury to enquire and try be the same evi-
dence and if they find contrary to the former Jury all the
former Jury may be fined at the discretion of the Judge This
Act to endure till the end of the next Assembly

An Act providing some rule for Executions

All Lands goods & Chattells executed upon by the Sherif
(other then Tobacco and necessary Clothing bedding utensills
& tooles of the partie in execution) Shall be sold at an outcry
to such persons as the Sherrif will answere for or the Parties
interested will accept And in defect of such then thy shall
be appraised by 3 men or the greater part of them whereof
one to be chosen by the Sherrif another by the owner and the
third by the Creditor and if they all differ that appraisment
shall stand which is made by him nominated by the Sherrif, or
else they shall be appraised by the Creditor (or some by him
appointed) and if the owner like them at that rate & pay or
secure the Creditor for them he may have them at that rate or
else may deliver them at that rate to the Credt^r And the
Parties recovering may have an injunction ag^ainst any the
debtors of the party recovered upon to Command them to
pay such debts to the partie recovering & authorizeing his
discharge And if the debts be not due at the time the
Creditor may have an injunction to Stopp them in his hands
till further order from the party or the Court And it may be
enquired of any party by his oath what he oweth to the party
p. 88 recovered upon and the party recovering may be admitted to sue
any bill or Debt in name of the party recovered upon And if the
party recovering refuse to take any bill or debt as aforesaid in
paym^t The Sherrife shall cause the same to be appraised or sold
in like manner as is appointed for other goods And to party to
whose use such bills or debts shall be by such sale or purchase
applied shall be admitted in any Court to all the same right and
to all the same Effects & constructions as the Partie him or her
self to whom the bill or debt was due And if there be not Suf-
ficient distresse of Lands debts nor goods as afores^d the body
of the Partie in execution shall be brought afore the Judge
there to be ordered as Justice shall require and if such party
had lived any time afore in the quality of a Servant labourer
artificer or other laborious art or profession whatsoever the
Judge may appoint him to some Corporall labour art or

employ^t most fitting for him dureing such time as he shall think fitt and by Judgm^t bind or apply the whole future benefitt or proceed of it to the Satisfaction of the execution Binding the partie or parties recovering to such Competent maintenance to be allowed for necessities to be found him his wife & Children dureing that time (if any be) as the Court shall think fitt to be put to the account of the party in execution And if such party appointed to any labo^r or employ^t as afd refuse or neglect it the Judge upon Compl^t may adjudge him to be punished as a disobedient servant. And if such party in execution be not fit in the Judges discretion to be put to Corporall labour he may commit him to Strict Custody there to be maintained by the Creditor or Creditors in such proportion & with such allowance of necessities dureing that time as the Judge shall think fitt to be put likewise to the account of the party in execucon And if the Sherrif after there is a prison biult Suffer Such party in execution to goe at liberty out of the prison without Consent of the cheifest Creditor he shall be liable as in case of escape This act to endure till the end of the next Assembly

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An Act touching Executing upon Corne or Tobacco

Enacted the 1st August 1642

No attachm^t Sequestrcon execution or other processe may be layd upon Tobacco afore it be struck in Cask nor upon any Corne afore it be in the house But after any judgm^t entred against any party all the Corne & Tobacco of such parties shall stand and be obliged & bound to the use of that Judgm^t so that it may not after that time be validly disposed of or applyed to any other use untill such Judgm^t be released by the party or Officer or by writt out of higher Court or be satisfied by paying the sune adjudged or tendring it (in such manner as the Law allowes in that behalf) or be ballanced by Judgm^t of like or greater value against the party upon pain of trespasse in all parties privy And the trespasse shall be punished by fine & treble damages And the Corne or Tobacco so disposed of wheresoever found Shall be restored to the use of the judgm^t And the Party or any of them to whose use any Corne or Tob: stands soe bound may at any time upon the neglect or inability of the owner use defray & perform all care Charge & dilligence needfull to such Corne or Tobacco to bring it in Case to be payable & put it to the acco^t of the owner And after allowance of it by the Judge shall have such Charge added to the Judgm^t to all the same Effects as if it had been uomprised

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in the judgm^t at the first And if there be more Judgm^{ts} then one given upon any Corn or Tobacco such Corne or Tobacco (afore it be applyed & payed to the use of a former Judgm^t) Shall stand bound in like manner as afore to the use of every Judgm^t according to the order of the Judgm^{ts} except the party haveing p^rcedent Judgment be in delay of executing it Provided that Landlords rents Judgm^{ts} for Publique Levies to the use or acco^t of the Province (allowed by act or house of Assembly) and Judgm^{ts} for customs & subsidies to the use of the Lord Proprietarie (granted by Assembly) & Judgm^{ts} upon suit of the Lord Proprietarie for his own meere and proper debts and judgm^{ts} for fees of necessary publique Officers published by the Leivten^t Generall and Councell in a table for that purpose bearing date with this act) Shall be first Satisfied And further provided that no party to whom any Corne or Tobacco stands bound by Judgm^t as afores^d shall incurre the paine of trespassse afore ordeined unlesse such party were witting to or admonished of that p^rcedent Judgm^t of the partie greived And further provided that noe such judgm^t as aforesaid be extended to the invaliditing of any Recognizances Mortgage or like Contract (heretofore or before the publishing hereof in the County) made bonâ fide for Security and entred upon record afore the next Court day after the Publishing hereof in the County (if the party interrested in such Mortgage be within the Province before the said Court day) or afore the next Court day after such party comeing into the Province or (if such party be not in these parts of America) afore the next Court day after Christmas come twelve month And that no such Recognizances Mortgages or Contracts for Security to be made after the publishing hereof in the County where they shall be made be valid to Stop or Suspend the use & effect of a Judgm^t of afores^d unlesse such only as shall be extant upon Record at or afore the time of such Judgm^t given Provided that no Judgment upon a Recognizance or Confession of the defendant may be entred but in Court

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This Act to endure till the end of the next Assembly

An Act Touching Causes Testamentary

The last disposition of the deceased Naming an Executor made either by words or writing touching his or her lands or goods appearing by the oath of two wittness shall be judged the last will and testament of the deceased and the Executor shall have the probate of the will under Seal

If no Executor be named or the Executor named be not willing or able to undertake it or not inhabiting in these parts

The administracōn with the will annexed shall be committed to the overseers if any be named in the will or some one of them And if none be then to the nearest of kinne to the Executor being an orphan or out of the Province or in defect of any liveing within the Province and able to undertake it then to the nearest of kinne to the deceased liveing within the Province and able to undertake it And in defect of such then to the greatest Legatary And if such Legatary be not willing or able to undertake it or not inhabiting in these parts then to the nearest of Kinne to such Legatary willing & able to undertake it and in defect of such then to the next greatest Legatary able and willing to undertaking it and in defect of such then to any other Legatary willing and able to undertake it And in defect of such then to the Greatest Creditor of the deceased claymeing the same And in defect of such then to any person as the Judge shall think fittest And where no, will is proved the administration of the intestates goods shall be committed to such party liveing within the Province & willing and able to undertake it as hath nearest right by the law of the Province to Succeed to the goods and in defect of such then to the greatest Creditor clayming the same & in defect of such then to such person as the judge shall think fittest. All causes of compl^t against the judge in Testamentary causes and all probats accompts or other matters testamentary wherein he is interested as a party shall be heard and determined by the Judge of the Provinciaall Court according to the law or usage of the Province or former precedents of the same or the like nature (to be determined by the Judge) and in defect of such then according to his Sound discretion. Executors & Administ^{rs} not being willing or able to undertake the paym^t of all debts and legacies of the deceased within this Province shall be charged by oath and Recognizance to Sell the goods of the deceased which shall come to their hands at an outcry (published 5 days before whereof one to be a Sunday or holy day) in the County or hundred where such goods are to be sett to Sale Provided that noe goods be Sold at Such outcry but to such persons as shall be excepted by the Credit^{rs} or Legataries of the deceased then and there present if any be or the major part of them And what is not soe sold shall be appraised by the oath of two men nominated by the Cheifest Creditors or Legataries of the deceased And debts made or goods appraised in such manner as aforesaid shall be applyed to the Creditors or Legataries at those rates But it Shall be lawfull to the Executor or Administ^r to take the goods at the appraisim^t if they will giving good Security for the value Noe Executor or Administrator may dispose of any of the deceaseds Estate to the paym^t of any debt or

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Legacy before the end of the next Court after his probate or Administracōn under Seal & afore a bill published at the usuall place of the County requiring all persons clayming to that Estate to enter their claime in his book at least before the end of the said next Court And after such Court as afore-said the Executor or Administrator may be judged for any debt or Legacy and may Justifie the Payment of any soe it be without prejudice of others haveing right of p^rcadncy by the Law And in case the Estate be not found Solvent to all debts & legacies the Executor or Administ^r Shall be bound to pay in the order following Viz^t That Legacies in kind be paid before legacies in value & debts afore Legacies And of debts that necessary Funerall charges be first defrayed Then Landlords rents then the debts of the Lord proprietary contracted bonâ fide (other then by fine or forfeiture) then publique Levies & Officers fees then Servants wages then judgments appearing upon Record and of them the first Judgment recovered to be first paid and all other debts to be paid by equall partition The Executor or Administrator with Consent of any two or more Creditors or Legataries may admitt & allow any debt of the deceased and Justifie the payment of the same soe it be in such order as is afore appointed. Where the Executor or Administrator hath right to Succeed to the residue no fee shall be due to him for his pains And likewise were any Creditor or Legatarie is Execut^r or Administrator and there be not Sufficent to pay all debts and Legacies within this Province there shall be no fee due for paines But in all other cases the Executor or Administrator shall have such allowance for his or her pains as the Judge shall think fitt soe it exceed not ten per centum of the Estate brought into the acco^t received where any goods owing for are remaining in Specie among the goods of the deceased the Creditor of such goods or his assigne makeing affidavit or other Sufficent proove of it may have the s^d goods restored to him without demunion in Satisfaction of so much of his debt if he demand it afore the property of the goods be altered This Act to endure till the end of the next Assembly

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An Act touching Succession to goods of Intestate Persons

The Widow shall succeed to the goods & Chattells of the deceased intestate if there be no Child and if there be but one Child the widow shall succeed to the one half & the Child to the other half And if there be more then one Child the widow shall succeed to one third and the Children to the residue by

equall Shares or to the whole if there be no widdow if neither widow nor Child, the neerest of Kinne (liveing within the Province that may be heire to the deceased) shall succeed to the whole In defect of such kinne the Lord Proprietary shall succeed If any party knowne to have right to succeed in whole or in part be out of the Province or be orphan the Execut^r or Administ^r shall bring the residue belonging to such forreiner or orphan into the provinciall Court there to be disposed of for such parties use as the Judge shall think fitt This Act to endure till the end of the next Assembly

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An Act Touching Succession to Land

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Where any one dyeth Seized of Land in fee not disposing of it otherwise by his last will the next heire shall succeed as hath right by the Law of England In defect of such heire the neerest heire liveing within the Province may enter upon the Land and hold it for the use of such next heire And if none neerer enter or clayme in 7 years he shall hold it in the same right & estate as if he had been next heire And in defect of all such heyres liveing within the Province the Lord Proprietarie may enter & hold the Land in such manner as is afore appointed for neerest heire And the Widow shall succeed to the thirds of the Lands & to the mansion house to hold it dureing her widdow hood as her husband was seized of at any time dureing the Coverture in such manner as she may by the Law of Engl^d This Act to endure till the end of the next Assembly

An Act touching Assignments

Where two parties are indebted to one another upon account the one of them may not assigne away his intrest in the account without the Consent of the other unlesse it be of that which is due from the other upon the clear account at that time when such assignment is first demanded of the debtor whose debt was assigned. Noe deed or Contract made after the Publication hereof whereby the Propinety of any Lands goods or Chattells are intended to passe shall be good & pleadably in Law except the property thereof at or before the makeing of the Contract or delivery of the Instruem^t be altered by delivering possession in the presence of two or more Wittness or that the Instruement by which the right passeth be acknowledged before some person authorized and recorded in or certified to the office of the County Court afore the next Court day following This Act to endure till the end of the next Assembly

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An Act ordeining punishment for
certain greater Capitall offences

These shall be adjudged Capitall offences within this Province That is to say all offences done within this Province which are declared Treason by Statute of 25 Edw. 3. c. 2. And all offences of willfull murther to be determined by the Judge as neer as may be to the law of England and all offences of conspiring the death or destruction or of attempting any violence ag'st the person of the Lord Proprietary of this Province or (in his absence) of his Leivten^t Generall or of holding any private intelligence with a declared enemy of the Province or of using in armes or muting against the Lord Proprietarie or (in his absence) against his Leivten^t Generall and the offender (whether principall or accessary) in any of these shall Suffer paines of death & shall forfeit all his or her lands goods & Chattells to the Lord Proprietarie and the wife shall lose her dower and the offenders blood shall be Corrupted This act to endure till the end of the next Assembly

An Act ordeining punishment for
certain lesse Capitall Offences

p. 97 These following shall be judged likewise Capitall offences within this Province That is to Say all offences of homicide pyracý robbery Burglary Sacriledge Sodomy Sorcery rape polegamy and larceny to be determined by the Judge as neer as may be to the Laws of England likewise all offences of willfull burning or destroying a house or stack of Tobacco Corne or hay of another mans or of cutting or plucking out anothers eyes or tongue And the offender (whether principall or accessary afore that offence committed) in any of these shall or may be Judged to Suffer paines of death or of burning in the hand or losse of member or to lose all his or her Lands for life goods or Chattells dignity or Office or may be out Lawed exiled imprisoned dureing Life or adjudged to Serve the Lord Proprietary and his assignes for the terme of 7 or lesse years (except he be a Gentleman) or may be otherwise Corporally Corrected or put to Shame as the Court shall think the Crime to deserve This Act to endure till the end of the next Assembly

An Act for punishment of some offences
not Capitall

Every person stricking any officer Juror or Wittness in presence of the Court or stricking any other person with a

drawne weapon in presence of the Court. or stricking any Magistrate or highe Sherrife of a County in or for the doeing of his Office or counterfeiting the hand or signe manual or any of the Seals of the Lord Proprietarie and useing such Counterfeiting hand or Seale within his Lordships Jurisdictions to the prejudice of another or willfull falsyfying corrupting or embaselling of a record or giveing false wittness upon oath in Court or perswadeing or hyreing another to give such false wittness may be judged to lose his or her right hand or to be burned in the hand or to any other Corporall Shame or correction (not extending to life) or be fined as the Court Shall think fitt. This Act to endure till the end of the next Assembly

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An Act for the Punishment of Drunkennesse

Every one convicted of being drunk (to be determined by the Judge) by or before any Sworne Judge by veiw of the Judge Confesion of the Partie or testimony of two Sworne wittnesses Shall forfeit 100^t Tobacco toward the building of a prison or such other publique use as the Lord Proprietarie or his Leivten^t Generall Shall think fitt or if the offender be a Servant and have not where with to Satisfie the fine he shall be imprisoned or sett in the Stocks or bilbos fasting for 24 hours this act to endure till the end of the next assembly

An Act For the Punishm^t of Swearing

Every one convicted of prophane cursing or Swearing (to be determined by the Judge) by or before any Sworne Judge by hearing of the Judge confession of the party or testimony of two Sworne wittnesses shall forfeit 5^t Tob to be employed as afore This Act to endure till the end of the next Assembly

An Act appointing a fee for the Serjeants of the Trayned band

The Serjeant of the Trayned band in every hundred shall have 4^t Tobacco upon every head in the hundred able to beare armes for his art & paines in trayning them but this year only two pound per head This act to endure till the end of the next Assembly

An Act Touching, takeing up of Land

p. 99

Where any one entreth upon land to be held of his Lordship or taketh out warrant for such Land in any certain place he shall enter into rent the next Christmas following And if the

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C & W H Surveyor be found in delay after his warrant delivered to him he Shall be lyable to the value of the rent to the party till he hath returned his Survey and the Secretary shall be liable in like manner for delay of drawing the Pattent after the Survey returned and warrant for drawing of it. Every one claiming title to any Land in certain to be holden of his Lordship may demand his claime to be entred upon Record and such entry shall barre all ensueing Grants of the same Land till the claime be tryed. Warrants for laying out of Land (without any certaine place assigned) delivered to the Surveyor shall bind the Surveyor to lay the lands out according to the order as the warrants were delivered to him upon pain of recompence to the party greived except he have other instructions to the Contrary from or under the Lord Proprietarie upon the back side of every Pattent or in a Schedule annexed (afore it be put to the Seal the Surveyor being thereunto demanded by the party interested shall discribe the Plott of the grant with all the names mentioned upon the grant and Seale and Compasse to it By which bounds the grant shall be interpreted and Judged ever after This Act to endure till the end of the next Assembly

An Act touching Passes

Noe man after the Publishing hereof in the Co^y may with-
p. 100 out Passe from the cheif Judge of the County in Commission for the time being transport any Inhabitant out of the Province being indebted by Judgment upon record or another mans Servant or the parties own Servant & indebted by Judgment upon record (except it be an apprentice) or otherwise obnoxious to Justice And a passe may not be granted to any one untill he have sett up an note at the usuall place at the least 5 days before (whereof one to be a Sunday or holy day) Signifying such his intent to depart out of the Province And if the party of whom the Passe is desir'd know or be informed that the Party is indebted or another mans Servant or the Party's ow Servant (as afore) or obnoxious to Justice in some other County he may not grant a Passe till the party have obtained a Certificate from the Comd^r of the County which may not be granted afore another like note there sett up to the Purpose and in the manner as aforesaid upon paine that the offendor or offendors to the Contrary hereof shall make fine and recompence to all parties greived This act to endure till the end of the next Assembly

An Act Provideing for the Planting of Corne

Every person planting Tobacco Shall Plant & tend two acres of Corne upon paine of forfeiting 300^l Tobacco for

every acre wherein default Shall be made and so rateably for a lesse quantity unlesse there appear just cause to excuse the default The one half of which forfeiture to be to the Surveyor and the other to the Sherrife And the Sherrif of each County & Surveyor Generall Shall take an oath to veiw respectively every Plantation within the County's Respectively yearly between the first of May & the first of September and to enquire by what means they may of the hands planting Tobacco in every Plantation and truely to certifie what quantity of Corne ground is planted and tended in every such plantation This Act to endure till the end of the next Assembly

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An Act limiting the exportacōn of Corne

Noe Corne from and after the midst of October in any yeare of the growth of the Province as well Indian as other may be exported out of the Province untill the midst of February following at the soonest & at other time of the year noe such corne may be exported without the lycence in writing of the Leivt^t Generall and Councell upon the Consideration of the Store of the Country To which purpose one or more persons in every hundred appointed thereunto by the Leivten^t Generall or Commander of any County calling to him one or two Neighbours shall at some time in January yearly veiw the Store or quantity of Corne then being in every family within the hundred and estimate the same and enquire and take the names or number of the persons belonging to every such family and certifie the same upon oath before the first of February Yearly unto the Leivten^t Generall or to the Commander of the County by him to be Certified without delay to the Leivten^t Generall And all persons exporting or attempting to export before, or without such lycence as aforesaid Shall forfeit the Corne so exported or attempted to be exported or the value of it and it Shall be judged out of the province if it be sold or delivered to any Indians This Act to endure till the end of the next Assembly

An Act against Ingrossers & Forestallers

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Noe person may ingrose Corne within the Province to be determined by the Court upon pain of fine to the value of the Corne soe ingrossed rating it at the price it was Sold at by such Ingrosser the one third of which forfeiture to be to the Person informing or procecuting against the Offendor Noe person may buy bespeake Promise or Contract for any goods or Servants brought or Comeing in to the province with intent

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to Sell the same again within the Province nor may Sell the same within the Province within the the Space of one year after at greater price then he bought them at unlesse the goods or Servants were so bought bespoken promised or Contracted for after Seven days after the arrivall of such goods within the Province if it were in any pinnoce or lesse vesell or after 28 days after the arrivall of the goods or Servants if it were in any Ship or vessell of 50 Tonne or above upon paine of fine to the value of the goods or Servants bought or Sold to the Contrary hereof whereof one third part to be to the party prosecuting or informing against the offender This Act to endure till the end of the next Assembly

An Act determining what Shall be Judged a Lawfull Tender

It shall be Judged a sufficient tender of Tobacco in any Debtor if he tender it at some place within the County where the Debtor dwells (except it be otherwise agreed) upon the day when it is due or otherwise if after the Stricking of it at any time before the 16th day of March he warne the Creditor or his Attorney in the County to come and receive it & after 20 days after such warning (or in Case the Cred^r nor his Attorney be in the County to be warned) then after 20 days after such
p. 103 Stricking in the presence of two or more Credible freemen that may make oath of the Soundnes and weight of the Tobacco he weigh and mark the Tobacco to the use of the Cred^r after which time it shall remain as the proper goods of such Creditor and any party privy other then such Creditor (or some other by his Consent or appointment) using hearming or takeing away such Tobacco after such tendure made shall make fine and Pay treble damages to the Party greived This Act to endure till the end of the next Assembly

[Published und^r the great Seal 2^d August 1642]

The Table of Officers Fees

Assesed & Published by the Leivten^t generall and Councell on the first day of August 1642 To be paid in Tobacco with Cask

Fees of the Secretary of the province or Clerk of Any County Court

Imprimis For entring any matter upon record five pound p page Item for entring a Deposition or for a Certificate or Copy of a Record ten pound per page Item for drawing and

Recording a Commission Licence or Certificate in parchm^t thirty pound Item For drawing & recording the Pattent of a Mannour if it be in paper only Sixty pound if in parchment one hundred pound and into this summe all entries to be reconed touching such pattent But if it be but a freehold then half the fee to be paid as for a Mannour Item For probate. of a will or Letters of Administration five pound per Centum of the value of the Inventory brought to account received. But if the Estate of the deceased be not found Solvent after all debts and Legacies defrayed then only thirty Pound certain Item For takeing and Recording an Inventory or accompt ten pound p page of Forreiners double the fees may be demanded & taken as aforesaid

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Fees of the Surveyor Generall

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Imprimis For Surveying any plott of grownd of 100 Acres or under 1^t p acre If the plott be between 100 and 200 acres then for the first hundred as afore and for all above half a pound per acre If between 200 and 500 acres then for the first 200 as afore and for all above one quarter of a pound per acre If it be between 500 and 1000 acres then for the first 500 as afore and for all above one pound for every 8 acres if it be above 1000 Acres then for the first 1000 as afore & for all above one pound for every 10 acres Item for entring a survey upon his book 5^t Item for Certyfing a survey 5^t Item For discribing a plot of the grant if it be 100 acres or under 10^t If above then 5^t for every hundred Acres

Besides these Fees the Surveyor may demand for every days absence from home goeing and Comeing to Survey the Plott (except time Spent in or about the Survey) 20^t p day But if divers make use of such goeing and Comeing The Surveyor is either to part the said fee for it rateably among all that make use of it or else the Party paying him for the whole time may refuse to let others have the benefitt of it unlesse such as will contribute or Compound for it And the party employing the Surveyor is to find him a boate and two hands and victualls out and home

Fees of the Sherrif or Marshall

Imprimis For Serving any writt or processe 10^t p every name to be served in the writt Item for Collecting any Publique duties 10 p Centum of the sume Collected

Item for Serveing a writt of execution 5^t p Centum of the Summe levied

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Item For veiwing a dead body & warning the Enquest 40^t
Item For an Imprisonm^t 20^t p day Item for inflicting
Corporall Correction 50 Item For takeing away member or
Life 100^t

These fees abovesaid For veiwing of a dead Imprisonment
of a Felon inflicting of Corporall Correction and takeing away
of Life or member are to be paid by the party Cause thereof
if hee or Shee be Solvent and if not then to be demanded of
the Province at the next Assembly following.

PROCEEDINGS AND ACTS
OF THE
GENERAL ASSEMBLY
OF MARYLAND,

At a session held at St. Mary's, September 5—13, 1642.

CECILIOUS CALVERT, LORD BALTIMORE,
Proprietary.

LEONARD CALVERT,
Governor.

By the Lieutenant General

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Whereas I have appointed to hold a General Assembly at Saint Marys on monday the 5th of September next to consult and advise of matters much importing the Safety of the Colony at this present these are therefore to give publick notice thereof to all Persons whom it may concern and to require all freemen inhabiting within the Province to be at the said Assembly at the time and place aforesaid either by themselves or their Deputies or Delegates sufficiently Authorised there to consult and advise touching the matters aforesaid whereof not to fail at their Perill Given at Saint Marys this 22^d August 1642

A Copy hereof sent to Kent by John Hollis

5 September 1642 morning

Assembled

Governor	Mr Weston
Captain Cornwaleys	Cyprian Thorowgood
Mr Giles Brent	Nicholas Herby
Mr Secretary	Mr George Binks
Mr Surveyor Gen ^l	John Hollis Carp
David Whitcliffe	Jo: Weywill
George Pye	Thomas Franklin
Mr Greene	Thomas Hebden
Mr Clerk	Francis Posie

Appeared

Nathaniel Pope }

Joseph Edlo	} by their Proxie Mr Tho ^s Greene
John Norman	
John Halfhead	
John Cockshott	

Cuthbert Fennick	} by their Proxie Capt Thomas Cornwaleys
Jo: Holderne	
Richard Cope	
Andrew Monroe	
Robert Perry	
John Cook	
Daniel Clocker	

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Liber M C

Philip West }
Edward Parker } by their Proxie M^r SecretaryBarnaby Jackson }
Thomas Mums } by their Proxie M^r Geo Binks
Robert Dixon }Richard Cole }
Walter Beane } by their Proxie Dav^d Whitcliffe

Robert Kedger by his Proxie George Pye

Richard Banks }
William Wright } by their Proxie Rand^l RebellJames Johnson }
John Name } by their Proxie Thomas HebdenRichard Garnett }
Lewis Froman } by their Proxie Nicholas Hewey

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Walter Cottrell }
Francis van Rynden }
Henry Bishop } by there Proxie Fra Posie
Walter King }
Thomas Petit }
John Gye }
Simon Demibiell }

Inhabitants of Kent

William Naufone	Francis Rabnett
Thomas Allen	Thomas Butler
John Bennett	Walter Weeks
Henry Morgan	Edward Comins
Thomas Pett	John Russell
Thomas Stent	Thomas Parker
Giles Basha	Thomas Hales
Thomas Keyne	William Cox
Francis Brooks	Henry Bellamy
William Lant	Ralph Pettiman
William Parry	Thomas Kidd
Robert Philpott	John Medcalfe
Nicholas Porter	John Gresham
George Crouch	John Marwood
Robert Hewett	William Jackson
Robert Lake	Richard Smith
John Pattner	Richard Spain
William Wieldee	William Smith
Richard Thompson	William Ashbrook

Edmond Parry
Devor Godwin
Thomas Dier
Robert Short
Nich Pothampton
Roger Baxter
John Smith
Richard Purlevant
John Abbott
Duck Denitz
Philip Conner
John Walker
John Lee
Walter Smith
Henry East
John Powell
James Johnson

Nicholas Browne
John Hill
Mathew Rodan
Thomas Arnold
Richard Pinner
Howell Morgan
John Armsby
Edward Thompson
Thomas Bradnock
John Philips
Robert Vaughan
Andrew Basha
Richard Hoben
Charles Steward
John Pere
Hughe Fowes
James Claughton

Liber M C
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William Porter

All these above appeared by their Proxie M^r Giles Brent

Col^o Franc^s Trafford Esq^r
Cap^t William Blount Esq^r
Roger Oliver
Robert Hedger
Richard Duke
M^r James Neale
Robert Ellison

Excused for their absence
as being out of the Pro-
vince or County

Peter Draper
John Harrington
William Marshall
John Stegg
Arnold Fresh
Joseph Gregory
John Court
M^r Dracutt

Suspended from Amercm^t till
they may have notice that their
presence is required by them-
selves or Proxie

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All these following amerced 20^t tobacco for not appearing
by themselves or proxie upon call till they purge their Con-
tempt

1 William Hawkins
1 Ellis Beach
1 Robert Nicholls
1 John Thatcher
1 Henry Brooks
1 William Tomson
1 William Durford
Jo: Hampton

1 Christopher Carnall
1 Edward Cottam
1 Thomas Davis
1 Nicholas Keytin
1 Stephen Thomas
1 Mark Pheypo
Barth: Lewis
1 Peter Marril

Liber M C	I	John Norton	I	Robert Smith
		Tho ^s Orly		William Edwin
	I	Thomas Thomas	I	John Warren
	I	Isaac Edwards	I	John Rutledge
	I	Nicholas Cossin	I	Henry Lee
	I	John Harwood	I	William Marfeim
		John Elkin	I	John Sutton
	I	William Bretton		Jn ^e Robinson Carp
		Robert Tully	I	John Langworth
	I	John Tomson	I	William Broughe
	I	Simon Richardson	I	John Medley
	I	Richard Hills	I	Thomas Bushell
	I	Henry Hooper	I	Alexius Hooper
		Thomas Boys	I	William Hardedge
	I	Thomas Baldridge	I	Jn ^e Hollis Carp
p. 253	I	Thomas Willis		Joseph Buskett
	I	Henry James	I	John Prettiman
	I	Thomas Allen	I	James Canther
	I	Thomas White	I	Anthony Rawlins
	I	Thomas Sterman	I	John Langford
	I	John Price	I	William Browne
	I	Thomas Pewell	I	John Marlburgh
	I	Arthur le Hay	I	Francis Pope
	I	Thomas Pasmore		Jn ^e Nevill
	I	John Robinson Car	I	Hangat Baker
	I	Edward Hall		M ^r Gerard
	I	William Cook	I	Joseph Cardell Coop
		Robert Edwards	I	John Hatch
	I	Edward Sympson	I	John Worthy
	I	John Mansell	I	Richard Nevitt

Mr Thomas Weston being called pleaded he was no freemen because he had no land nor certain dwelling here &c^a but being put to the question it was voted that he was a Freeman and as such bound to his appearance by himself or proxie whereupon he took place in the house

Then M^r Secretary administred to the Lieu^t Gen^l a Corporal Oath upon the holy Bible in these words [You shall swear that you will be true and faithful to the right honble Cecilius Lord and Proprietor of this Province of Maryland and that you will defend and maintain to the utmost of your Power all his rights Interest and Royal Jurisdictions and Seignory into & over the said Province and the Islands thereunto belonging according to his Lordships charter of the said Province under the Great seal of England and shall faithfully serve him as his Lieu^t General of the said Province and in all other Offices committed to your charge by his Lordships Commission to

them you shall also swear that you will do equal right and Justice to the poor and to the rich within the said Province after your cunning wit and power and according to the Laws and Ordinances of the said Province you shall not for fear favour or Affection or any other Cause let or hinder justice but shall truly execute the said Offices according to your Commission and you shall not know of any attempt against his Lordships right and Dominion in to or over the said Province and the People therein but you shall resist and Oppose it with the utmost of your power and make the same known with Convenient speed to his Lordship and you shall in all things faithfully counsell and advise his Lordship according to your heart and Conscience so help you God and the Contents of this Book]

Liber M C

Then were these Orders agreed upon by General Consent of the house

1 Any one of the house not appearing upon call after the third beating of the drum shall forfeit 20^t Tobacco

2 For the morning the Drum is to beat as near as may be to sunrising and an hours beating between each Beating

In the afternoon the first beating is to be at one of the Clock and then an hours distance between each Beating

3 None are to speak above once in one day to any several matter or clause of any bill without leave of the house, if two or more rise together the Lieu^t General is to determine who shall speak first

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4 None are to use any undecent taunting or reviling words, to the naming or personating of any member, in the house or any other misbehave himself in his speech upon pain of censure by the house

5 Every bill is to be read twice afore it be engrossed, & after Engrossment to be put to the vote at a third reading

Then was the Governor Captain Cornwaleys M^r Brent M^r Secretary, M^r Surveyor, M^r Weston & M^r Greene appointed for a Committee to meet in the afternoon at the second Beating of the drum, at two of the Clock for the drawing up of a Bill touching a war to be made upon the Indians and other matters pertaining to the safety of the Colony

It was then ordered, that a new summons by special messengers, should be sent to the freemen of S^t Marys and Saint Georges hundreds to appear by themselves, or Proxies, on Wednesday next, upon pain of 50^t tob^o to be forfeited by every one making default; therein and to the freemen of Saint Michaels and Saint Clements hundred to appear on Friday next on like pain

Then M^r Brent moved as from the Inhabitants of Kent, that it might be declared by the house, whether the Inhabitants

Liber M C may freely without leave depart out of the Province being
 p. 256 engag'd or obnoxious to Justice And it was answered by the
 Governor that he did not Consent that it should be decided by
 or in this house

Then the Lieu^t General adjourn'd the house till the third
 beating of the drum at 4 of Clock this afternoon

In the Afternoon

Assembled

Governor	George Pye
Captain Cornwaleys	Cyprian Thorowgood
M ^r Brent	Nicholas Hervy
M ^r Secretary	John Hollis
M ^r Surveyor	John Weywill
M ^r Greene	Thomas Hebden
M ^r Weston	Francis Posie
M ^r Binks	William Broughe
David Whitcliffe	Thomas Sterman
M ^r Clerk	William Durford
Randoll Rebell	

Henry Brooks }
 Steven Thomas } excused for their absence by sickness

Thomas Sterman }
 William Broughe }
 Francis Gray and all the } Remitted of their amercm^{ts}
 others that appeared by }
 Proxie this afternoon }

Thomas Davis }
 Alexius Putton }
 Robert Nicholls }
 William Howkins }
 Thomas Franklin } appeared by their Proxie M^r Greene

p. 257 Peter Draper }
 John Earrington } appeared by their Proxie the Gov^r

John Price }
 Anthony Rawlins }
 John Hollis Planter }
 John Hollis Carp }
 William Browne } appeared by their Proxie Cap^t Corn-
 Thomas Thomas } waleys
 John Thatcher }
 Thomas Willis }
 William mar fennis }

Francis Gray appeared by his Proxie Tho^s Sterman

Liber M C

The Committee return'd to the house a Bill drawn for an expedition against the Indians

Which was once read

And the Governor demanding to be exempted from the leavy it was put to the question whether a Clause for his Exemption should be incerted into the Bill and that it should was voted by 38 Voices denied by 100 Voices

Whereupon the Governor adjourn'd the house till the third beating of the drum next morning

Cyprian Thorowgood } Appointed for their Proxie
John Weywill } Captain Cornwaleys

Walter Broadhurst }
Simon Richardson }

John Mansell }
John Langworth }
Jn^o Tomson }
Richard Nevett }
Joseph Cadell }
Richard Hills }
Edward Simpson }
Robert Tully } appeared by their Proxie
William Cook } W^m Broughe
Thomas Bushell }
Rob^t Edwards }
John Medley }
John Hatch }
John Worthy }
John Robinson }
William Bretton }

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6 September 1642
morning

Assembled as last time except Cyprian Thorowgood and Thomas Sterman, whose absence was excused and John Weywill and John Hollis Planter and W^m Durford who had made their Proxies

M^r Brent desired it might be put to question whether the house had power to decide the right of the Freemen to depart out of the Province at their pleasure unless they were indebted or otherwise obnoxious to justice

The Governor refused to put it to the question to the freemen to determine thereof as Judges of the matter in question

Liber M C Mr Secretary spake not to the question but as a Councillor that he thought the matter was to be put to the question and that it could not be rightfully Denied to them and that the
 p. 259 house hath power to decide such things as shall be put to the question both by former usages and Presidents of the house and by the writt calling them to Consult and by his Lordships intent that the house should have such power expressed in the Acts formerly consented unto and sent over by his Lordship

Upon further debate it was declared by the Gov^r that it is the common right of all inhabitants to depart out of the Province at their pleasure unless indebted or obnoxious to Justice or unless there be some transcendent Cause for the safety of the People for the Lord Proprietary or his Substitute to overule that right in some particular cases for a Convenient time

Upon motion about repealing the Laws made last Assembly the Governor declared he was willing to repeal divers of them as that of Judges, order of Causes executing upon Corn or Tobacco

Then the house fell upon the reading of the said Laws to see which were fit to be repealed or amended and in the first for support of the Gov^t it was voted that instead of those words [except to England &c^a] it should be altered [except to any Port of his Majestys Dominions where custom is due to his Majesty for any such tobacco]

Then they voted the Continuance of it to be altered to endure for one year the Governor refused to alter it in that form but that it should stand as it did

p. 260 Then the further reading of the Laws was laid aside and the Governor appointed a Bill to be drawn for the repeal of all the Laws made last Assembly

Then was read the second time the Bill for the Expedition &c^a and altered with some amendments

Then the same Committee was appointed to sit as yesterday (only Mr Westons place to be supplied by David Whitcliff) for the drawing up of other Branches appertaining to the safety of the Colony

And the Lieu^t General adjourned the house till the third beating of the drum at 4 Clock afternoon

This morning William Hardich
 Appeared by his Proxie Mr Thomas Greene

Henry Hooper
 Mr W^m Brainthwayte } Appeared by their Proxie the Gov^r

Edward Cottam
 William Durford } Appeared by their Proxie Cap^t Cornw^s

6 September 1642
Afternoon

Liber M C

Assembled as afore except M^r Weston who appeared by his Proxie George Pye

The Governor, Captain Cornwaleys, M^r Brent M^r Secretary, M^r Surveyor M^r Greene, M^r Binks and Nicholas Hervey appointed for a Committee to consider of Bills to be propounded to the house on monday next

And the Lieu^t General adjourned the house till monday p. 261 morning eight of the Clock at third beating of the drum

7th September 1642 morning

The Committee met as was appointed and the bill for rule of Judicature with some amendments was passed as fit to be propounded to the house

The Bill for Officers was much opposed by Cap^t Cornwaleys and M^r Brent as unnecessary as giving away their Liberties as imlimited in point of Sheriffs recognisance and number of Offices to be imposed & as against Common right and decency compelling men to be hangmen

The Governor consented that an exception should be made of the Office of Hangman and that Recognisance might be limited to such a Value as the Business might amount unto committed to his trust as 10000^l w^t of Tobacco or the like sum

With these Amendments the Bill was thought fit to pass by the Governor Secretary Surveyor and M^r Binks denied by the other four

In the afternoon divers Bills were passed with Common consent with some amendments

8th Sept^r Afternoon present { Governor
Captain
Secretary
M^r Brent

The Bills for Capital Offences excepted at by the Captain p. 262 & M^r Brent thought fit to be passed by the Governor and Secretary

The Bills for Planting of Corn exportation of Corn against forestallers and what shall be judged Sufficient tender rejected the rest passed with some Amendments

Liber M C On the 11th September afternoon the Committee Agreed upon 25 Bills to be presented to the Consideration of the house as fit to be enacted

The Bill for Officers was not agreed upon

The Bills for Planting of Corn exportation of Corn and Forefallers were left to the house whether they would think them fit to be repealed or no

The Bills for the Order of hearing Causes for Executing upon Corn or tobacco and what shall be judged a lawful tender were agreed upon to be repealed

12th Sept^r Robert Clerk appointed M^r Langford to be his Proxie

12th September 1642 morning

Assembled

Governor	M ^r Weston
Cap ^t Cornwaleys	Randol Rebell
M ^r Secretary	Nicholas Cossin
M ^r Surveyor	John Medley
M ^r Brent	Nicholas Hervey
M ^r Greene	Thomas Hebden
M ^r Bincks	Francis Posir

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Mark Pheypo
Jo Rob bar
William Asiter
Hangat Baker
George Pye
Francis Pope
Arthur Hay
Henry Lee
Thomas Pasmore
Edw^d Hall
David Whitcliffe
Richard Cole
Walter Beane

Appeared by their Proxie M^r
Weston for 3 days

Stephen Thomas	John Langford
John Norton	Jn ^o Prettiman
Tho ^s Pewell	Jn ^o Merlburgh
Rob ^t Smith	Tho ^s Sterman
Jo: Hiliard	James Cauther
Rob ^t Sedgrave	John Sutton
Tho ^s Baldridge	W ^m Thompson
John Warren	Nicholas Keytin
Walter Walterlin	William Laftin
Henry Brooks	

appeared by
their Proxie
Cap^t Corn-
waleys

M ^r Bretton	Edw ^d Sympson	} appeared by their Proxie John Medley	Liber M C
Richard Nevett	Tho ^s Bushell		
Will ^m Broughe	Richard Ellis		
Jo: Worthy	Simon Richardson		

John Mansell	}
Jn ^o Thompson	
Jn ^o Hatch	

John Harwood	} appeared by their Proxie M ^r Greene	p. 264
Christopher Carnol		

Ellis Beach appeared by his Proxie M^r Secretary

a John Rutledge excused from appearance being certified for
a Servant

M ^r Gerard	} Appeared not upon call
Thomas Boys	
Robert Edwards	
John Briskett	
John Edwards	
Bartholomew Lewis	
John Robinson Carp	
John Langworth	
Jo Hamton	
Thomas Orley	
Jo Elkin	}
William Edwin	

William Broughe being Proxie for	} Walter Broadhurst Joseph Cadell Jn ^o Langward Robert Tulty William Cook Jn ^o Robinson Carp
appeared not nor any of them	

The Report of the Committee was read to the house

Then were read the 25 Bills drawn up with amendments
agreed upon by the Committee and the Bill for Officers and
some amendments made infra vid

The Governor excepted to the time of 3 years appointed for
the endurance of the Laws

Whereupon it was put to the question and it was voted that p. 265
they should endure till the first meeting of the next Assembly
by 26 Voices viz^t Governor 3 Secretary 4 M^r Surveyor 2
Thomas Hebden 1 M^r Weston 15 Nicholas Cossin 1

That they should endure till the first meeting of the next
Assembly and in case no Assembly were sooner Called then
for three years voted by 46 Voices viz^t M^r Greene 18 Jo Medley

Liber M C 12 M^r Binks 4 Nicholas Hervy 3 Francis Posie 8 Randol
Rebell 1

That they should endure for three years voted by Captain
Cornwaleys and M^r Brent who with themselves and Proxies

The Lieu^t General adjourn'd the house till the third Beating
of drum afternoon

Amendments made in the first reading of the Bills

1st Act for support

interlin

[Except to Virginia and except to]

2^d Act for Judges

interlin [then present in Court] as aforesaid]

[Provided that the Lieu^t General of Province or any one of
the Council or the Commander of the Isle of Kent or in his
absence the next in Commission then being in the County may
determine and Correct any Offences which are or may be
determined and corrected by a Justice of Peace in England any
thing in this Act to the Contrary notwithstanding

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4 Appeals

[And performing] within the Cognisance of the Court]

5 Court days

[requiring the presence of more Judges]

10 Rule executions

[being present]

11 Testimony

[Shall not be excepted against] [Ordinary] wthin the
Province] [Affidavit or other]

13 dele [the Executor or]

20 interlin [Except the right savid to Adventurors by Con-
ditions of Plantation]

21 [Consent of] [that is obnoxious to justice for some
malefice nor without the Consent of the party of Parties
interested may transport any one]

[upon pain &c^a] dele cetera

24 Expedition

[in every hundred defective which shall charge it upon
the freemen of the hundred in the same manner and]

[in every hundred by the L^t Gen^l] dele cætera usq. and
the [or afore

12th September 1642

Liber M C

In the afternoon

Assembled as afore

Mr Brent exhibited a Protestation in the name of the house touching certain Liberties but it was Refused to be admitted till the names of the parties were to it whom it pretended to personate p. 267

Then it was put to the question for what time the Bills should be made to endure

And that they should endure for three years or else to the next meeting of Assembly if an Assembly be within that time was voted by the Governor Mr Secretary, Mr Surveyor Mr Binks Thomas Hebden & Mr Weston for themselves and Proxies

That they should endure for three years certain voted by Captain Cornwaleys Mr Brent Mr Greene Nich^s Hervey Randoll Rebell, Jo: Medley Francis Posie and Nicholas Cosin for themselves and their Proxies

Then by appointment of the Governor was read the Bill for the expedition and that it should be Engrossed was voted by the Governor Secretary Surveyor Mr Weston Thomas Hebden Mr Binks and Francis Posie that it should not was voted by the Captain Mr Brent Mr Greene Nicholas Hervey Randoll Rebell John Medley and Nicholas Cosin for themselves and their Proxies

Then were all the Bills read again and all of them including the bill for the expedition were voted to be engrossed nemine contradicente except the Bill for Officers

Which was voted to be engrossed by the Governor Secretary Surveyor Mr Weston Tho^s Hebden Nicholas Cosin John Medley and Mr Binks & Proxies p. 268

Not to be engrossed by Captain Cornwaleys, Mr Brent Mr Greene Nicholas Hervy and Francis Posie for themselves and Proxies

Then was the house adjournd by the Lieu^t General till the third Beating of the drum next morning

13 September 1642

morning

Assembled as last afore except Randoll Rebell who appeared by his Proxie Captain Cornwaleys

Nicholas Cossin upon his motion was excused of the fine of 20^l tobacco

Liber M C

Richard Duke	}	Appeared by their Proxie Cap ^t Cornwaleys
John Wyatt		
Joseph Cadell		
Walter Broadhurst		
Robert Edwards		
John Langworth		

Mr Thomas Gerard appeared by his Proxie Mr Secretary
the fine of 50^l tobacco laid by L^t General upon

William Brough
Thomas Boys
John Bushett
John Nevill

p. 269 Then was read the Bill for support of the Lord Proprietary
and denied by the Governor till the Clause of Endurance for
three years were annexed likewise by Mr Secretary passed by
all the rest of the house

Governor refused to enact it

And in like manner was done for the nineteen Bills next fol-
lowing

The bill for the Serjeants of the trained Band was denied
by the Captain by Mr Brent Mr Greene Nicholas Hervy Francis
Posie & John Medley for themselves & their Proxies Passed
by all the rest

the 21, 22, 23 Passed by all but the Governor and Mr Lang-
ford refused to be enacted by the Gov^r

the 24 For the expedition denied by all except Governor
Secretary Mr Binks Nicholas Cosin Tho^s Hebden & Mr
Weston & Mr Surveyor and likewise the 25

Then was read the accompt of John Hallowes and Ordered
by the house that he should be allowed 1000^l tobacco and
Henry Hooper the drummer 100^l tobacco and that these sums
should be assessed 2 shares of it upon Saint Marys County
and 1 upon Kent the assessment of the hundreds in Saint
Marys to be by L G & Council and in Kent by the Com-
mander & Commissioners the Sheriff to Collect it and have
after the rate of 10^l p Centum of the sum collected

Then was read the Protest of some of the house against his
Lordships Power of Adjournment of Assemblies

p. 270 Then was read another protest of the same men, touching
the departure of Inhabitants out of the Province without leave
and the Lieu^t General Consented that this should be entered
for his answer instead of the former touching that point that
he declareth it to be the Common right of all inhabitants to

depart out of the Province at their Pleasure unless indebted or obnoxious to Justice Liber M C

Then the Lieutenant General adjourned the house till the afternoon

13th September 1642

Assembled as afore

This amendment was propounded by the Lieu^t General in the Bill for Judges [nor that any Process be awarded against his Person nor the persons of his necessary menial Servants in the cases aforesaid nor that any process be awardable against his Goods or Chattels until the Party have delivered to the Judge the Petition containing the right or damage in demand and the Judge have signified the said Petition to the Lieu^t Gen^l desiring him to do such right or satisfy such damage as is demanded or shew cause why he refused to do so and the Lieu^t General have refused to do either and that after any Process awarded in the Cause aforesaid if the Lieu^t General shall be ready &c^a] ut Sequit^r in the Bill

Then were read the eleven first Bills viz^t

- 1 For support of the Government
- 2 For Judges
- 3 For the rule of Judicature
- 4 Touching Appeals
- 5 Appointing Court days
- 6 Providing Remedy for Plaintiffs in some Cases
- 7 For the forms of Proceedings in Causes
- 8 Fording some things touching the trial and judg^t of

Causes

- 9 Touching Verdicts and Judgments
- 10 Providing some Rule for executions
- 11 Touching Causes testamentary

Then was read the 12th Bill touching succession to Land

- 13 Touching Succession to goods of intestate Persons
- 14 Touching Assignments
- 15 Ordaining Punishment for certain Greater Capital

Offences

- 16 For the punishment of Certain less Capital Offences
- 17 For punishment of some Offences not Capital
- 18 For the punishment of Drunkenness
- 19 For the punishment of Swearing
- 20 Appointing a fee for Serjeants of trained Bands
- 21 Touching taking up of Land
- 22 Touching Passes
- 23 Touching Attachments or executing upon Corn or To-

bacco

Liber M C And all the Bills aforesaid were passed by all the house and then enacted by the Lieu^t General in his Lordships name

Then was read the 24th Bill for an expedition agst the Indians and passed by all except that Captain Cornwaleys denied it for 15 of his Proxies of Saint Michaels hundred by reason of the clause of exempting the Governors Servants

Then it was enacted by the L^t General in his Lordships name

Then was read the 25th Providing some things for the better safety of the Colony and it was passed by all and then enacted by the Lieutenant General in his Lordships name

Then at the motion of some of the freemen the Bill against Forestallers and Ingrossers enacted by the last Assembly was read and put to the question whether it should be Continued or no and that it should was voted by the Governor the Secretary the Surveyor M^r Greene M^r Binks Thomas Hebden M^r Weston and Nicholas Cosin denied by the rest

Then the L^t General dissolv'd the Assembly

Liber P R
p. 18

At a Generall Assembly at S^t Maries on the thirteenth day of September 1642 were enacted these Acts following

1 An Act for the support of the government

ffor the better support of the Lord Proprietary, all tobaccos shipped to be transported out of the Province (except to virginea and except to any of the Kings dominions where customes are vsed to be paid to his Ma^{tie}) shall pay a custome of five in the hundred to his Lo^{pp} This Act to endure for three yeares from this present day.

2 An Act for Judges

The Judge in all causes shalbe such person or persons as are or shalbe from time to time authorised thereunto by Commission from or vnder the Lord Proprietary, or (in his absence) from or vnder his Lieuten^t Generall Provided alwaies that in all Causes matters & questions for w^{ch} no certaine rule of determination is provided by any Law of the Province, but left to discretion, or committed to the æquity or conscience of the Judge; the Judge shalbe the Lord Proprietary, or (in his absence) the Lieutenant Generall and the Councell of the Province then present in Court, or the maior part of them, if

it be in the Provinciaall Court, or (if it be in the County Court) the Comander and Commissioners of the County or the maior part of them (then present in Court) shalbe Judge in all causes (as aforesaid) not exceeding their Commission, so that after iudgem^t there be power of appeale to either partie to the Provinciaall Court. Provided that the Lieutenant Gräll of the Prov: or any one of the Counsell, or the Comander of the County of Kent, or (in his absence) the next in Commission then being in the County, may determine & correct any offences w^{ch} are or may be determined & corrected by a Justice of Peace in England, any thing in this Act notwithstanding.

And if the votes of the Judges be æquall, that iudgem^t, shalbe entred w^{ch} is given by the cheife Judge in Commission.

Provided that no Judge may exercise any act of iudicature in any cause or matter wherein himselfe is interessed as a party; nor before he have taken an oath to administer æquall iustice to all persons according to the Lawes of the Province, to the best of his skill and power & to delay nor deny to no man right or iustice.

And in case of absence, out of the County or hundred, of all others at that time in Commission, or in case of default of all others in Commission (being in the County or hundred & having lawfull notice & warning of the Court) the cheife Judge in Commission may iudge and determine all causes during such absence or default, to all the same powers & effects as if the rest in Commission were present & consenting with him.

And in case of absence or infirmity of the cheife Judge in Commission vpon any of the Court daies appointed by the Law; the next in Commission, then being in the County or hundred (vnlesse some other of the Commission be appointed by the Lord Proprietary or his Lieutenant Gräll) shall hold the Court & supply the place of the said cheife Judge to all intents & purposes.

And in cases where the cheife Judge in Commission is interessed as a party, the next in Commission (then present in the County or hundred) may award all processe necessary for bringing the cause to determination, and may appoint & hold a Court for the determination thereof in the same manner & to all the same effects & powers, as the said cheife Judge might in other cases. Provided that the Lieutant Gräll be not suable for any cause or matter arising in or for the exequution of his Office, nor that any processe be awardable against his person, nor the persons of his necessary meniall servants (in the cases aforesaid) nor that any processe be awardable against his goods or chattells, vntil the partie have delivered to the Judge the petition containing the right or damage in

Liber P R

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Liber P R demand, & the Judge have signified the said petition to the Lieutenant Gräll, desiring him to doe such right, or satisfie such damage as is demanded, or shew cause why he refuseth so to doe, and the Lieuten^t Gräll have refused to doe either; and that after any processe awarded in the case aforesaid, if the Lieutenant Gräll shalbe ready to sett forth or appoint sufficient distresse of goods to the value mentioned in the writt, no writt may be served or laid vpon any others then those so sett forth & appointed by himselfe. This Act to endure for three yeares from this present day.

3 An Act for Rule of Judicature.

Right and iust in all civill causes shalbe determined according to the Law or most generall vsage of the Province since it's plantation, to be determined by the Judge. And in defect of such Law or vsage, then right & iust shalbe determined according to æquity & good conscience, not neglecting (so far as the Judge shalbe informed thereof, and shall find no inconvenience in the application to this Province) the rules by which right & iust useth and ought to be determined in England in the same or the like cases

And all crimes & offences shall be iudged & determined according to the Law of the Province, or (in defect of certaine Law, then) according to the best discretion of the Court. Provided that no person be adjudged of life; member, or freehold, nor be outlawed, or exiled, or fined to above the value of one thousand weight of tobacco without Law certaine of the Province: and that no corporall punishm^t be inflicted by vertue of this Act vpon a gentleman. This Act to endure for three yeares from this present day.

4 An Act touching Appeales

No appeale shalbe admitted from any inferior Court afore iudgem^t given, and vntill sufficient security shalbe putt in to the cheife Judge of the said Court, for the prosecution of the appeale within a certaine time reasonably given, and for abiding & performing the iudgem^t of the Superior Court. And if the Superior Court find no cause of appeale, they may fine the appellant, and adiudge double damages to the party greived. This Act to endure for three yeares from this present day.

5 An Act appointing Court daies.

The first day (not being Sondag or holy day) in the severall months of June, October, December ffebruary, March, and Aprill,

shall be ordinary Court-daies in the County of S^t Maries. And the first day (not being Sunday or holy day) in the months of July September, November & January, and the next day (not being Sunday or holy day) after the fourteenth day of December, January, february, March & Aprill, shall be ordinary Court-daies in every other County, wherin (and in the daies following afore the Court break vp) all issues ioined or petitions entred afore any the said severall Court daies respectively (within the cognisance of the Court) shalbe heard & ordered vpon the request of either party. And no Court may be held for the determination of any cause (requiring the presence of more Judges) untill all such as have voice in the Court (and are within the County or hundred conveniently to be warned) have warning & notice thereof [some] reasonable time before. This Act to endure for three years from [this present] day.

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6 An Act providing remedy for plainti[ffs in some Cases]

The defendant returned served, and defaulting in appearance, the [Judge may admit] the plaintiff to prove his demand, & if he see cause may procee[d to Iudgment] And any writt shalbe iudged sufficiently served, if it were shewen, declared, or tendred to the party, or left at his vsuall plantation, & affidavit made by any one that the party had certaine knowledge of it.

p. 20

And in case where the defendant is not an inhabitant of the Province or is absent out of it, the Judge shall give reasonable time for his answere according to the case. And in default of answere may admitt the plaintiff to prove his demand, & proceed to iudgem^t if he or they see cause.

where any partie is presented or indicted by twelve ffreemen to be a ffugitive out of the Province for debt or malefice such ffugitives lands & goods may be attached or delivered in exequution to the Creditors making such prooffe as the Judge shall thinke sufficient, and the residue (if any be) shalbe delivered to the party or parties living within the Province, having next right to succeed. And the goods of such ffugitive shalbe disposed of by Administration as if the party had died intestate. This Act to endure for three yeares from this present day.

7 An Act for the fformes of Proceedings in Causes.

The cheife Judge in Commission, of every Court, shall or may have, and vse all necessary & sufficient power for the administration of iustice, and doing or causing right to be done to all persons (in all causes within cognisance of the

Liber P R Court) & appointing the formes and means of it, and awarding all necessary processe to that end, in such forme & vnto such effects, as the Judge shall think fitt: guiding themselves as neare as conveniently they may to the former præsidents & vsages of the Court, and in defect thereof to the formes of England in the same or the like cases (except where any thing is specially provided for by the Law of the Province. This Act to endure for three yeares from this pñt day.

8 An Act ordering some things touching the triall & iudging of causes.

The Judge may administer an oath to either party in any civill cause for the better investigation of the truth, and vpon any ones refusall, may proceed against him, as if he had confessed the matter enquired of him by oath. The defendant in any cause civill or criminall, may putt himselfe for triall, vpon the Judge, or Court, or vpon his country, or may wage his Law in cases allowable by the Law of England. If both parties ioine in the triall, it shalbe tried according their agreement. If either party desire to be tried by the country, and putt in security to pay the charge of the Jury, the issue shalbe tried by the oath of twelve ffreemen, returned by the Sheriff & thought fitt by the Judge to be admitted, vpon the exception of either party. And if the other party ioined not in the triall by the country, he that caused the Jury shall defray the charge of it, without putting it to costs. Except that in criminals extending to losse of life or member, the offender may demand to be tried by the country, without putting in any security for the charge.

The Sheriff in warning of Juries shall observe a certaine course & order of turnes among all the ffreemen of the County (the Counsell and Commissioners only excepted) To w^{ch} end the writt for warning any Jury shall not be returnable vntill fiftene daies at the least, after the delivery of it to the Sheriff. And the Sheriff vpon receiving any writt, may award out precepts to any his vnder sheriff or bailiff in any hundred or division, to the effect of the writt, w^{ch} precept shalbe of force to all persons, and the returne of such vnder sheriff or bailiff may be returned by the Sheriff

Waging of Law against an Accompt-book, may be admitted or refused according to the sound discretion of the Judge.

Where any Exequutor or Admrātor is partie to the action, the Judge may admitt such prooffe as he shall think necessary & sufficient, according to the case. This Act to endure for three yeares from this present day.

9 An Act touching Verdicts and Judgements

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p. 21

In actions of debt vpon accompt, it shalbe a good plea for the defendant, to say The plaintiff (or other partie whose assigne the plaintiff is) is indebted to him vpon accompt. In w^{ch} case the Accompt shalbe balanced, & iudgem^t given only vpon the cleare accompt.

If the Judge think any verdict greivous to either party, or exceeding the issue, committed to their enquiry, he may returne them to consider better of it, or charge another Jury wth it, at the instance of either party desiring it, & undertaking the charge. To w^{ch} end the point in issue shalbe delivered to the Jury in writing, and the verdict returned likewise in writing vnderneath it, w^{ch} shalbe kept vpon a file by the clerk of the Court for the iustification of his entry.

And if the Judge find the Jury evidently partiall or willfull, he may charge another Jury to enquire & try by the same evidence. And if they find contrary to the former Jury all the former Jury may be fined at the discretion of the Judge. This Act to endure for three yeares from this present day.

10 An Act providing some Rule for Exequutions

The necessary clothing, bedding, and tooles of any party may not be taken in exequution, but all other the lands, goods & chattells of any partie exequuted vpon by the Officer shalbe sold at an outcry, to such persons as the Officer will answer for, or the partie interested (being present) doth not except against. And in default of such, then they shalbe appraised by three men or the greater part of them, whereof one to be chosen by the Officer, another by the owner, and the third by the Creditor or party recovering or his assigne. And if they all differ that appraisement shall stand w^{ch} is made by him nominated by the Sheriff or officer. Or els they shalbe appraised by the Creditor (or some by him appointed) & if the owner like them at that rate, & pay or secure the Creditor for them, he may have them at that rate, or els may deliver them at that rate to the Creditor

And the party recovering may have an iniunction against any the debtors of the party recovered vpon, to command them to pay such debts to the party recovering, and to authorise his discharge. And if the debts be not due at that time, the Creditor may have an Iniunction to stop them in the debtors hand till further order from the party or the Court. And it may be inquired of any partie by his oath what he oweth to the party recovered vpon. And the party recovering may be admitted to sue any Bill or debt in name of the party recovered

Liber P R vpon. And if the party recovering refuse to take any bill or debt as aforesaid in payment, the Officer shall cause the same to be appraised or sold in like manner as is appointed for other goods.

And the partie to whose vse such bills or debts shalbe by such sale or purchase applied, shalbe admitted in any Court to all the same right, and to all the same effects and constructions, as the party him or her selfe to whom the bill or debt was due

And if there be not distresse sufficient of lands, goods, nor debts as aforesaid, the body of the party in exequution shalbe brought afore the Judge there to be ordered as iustice shall require. And if such party had lived at any time afore in the quality of a servant, labourer, artificer, or other laborious art or profession whatsoever, the Judge may appoint him to some corporall labour, art, or employment, most fitting for him; and by iudgem^t bind or apply the whole future benefitt or proceed of it to the vse of the Exequution vntil it be satisfied: binding the party or parties recovering to such competent meintenance to be allowed for necessities to be found him, his wife & children during that time ([if] any be) as the Court shall think fitt, to be putt to the accompt of the party in [exequution] And if such partie appointed to any labour or employment as aforesaid re[fuse or neglect] it, the Judge (vpon complaint) may adiudge him to be punished as a disob[edient servant]

And if such partie in exequution be not fitt in the Judge's discretion [to be put to] corporall labour, he may committ him
p. 22 to strict custody, there to be mein[tained by] the Creditor or Creditors in such proportion and with such allowance of necessities during that time as the Judge shall think fitt, to be putt likewise to the Accompt of the party in exequution.

And if the Sheriff (after there is a prison built) suffer such partie in exequution to goe at liberty out of the prison, without consent of the cheifest Creditor, he shalbe liable as in case of escape. This Act to endure for three years from this pñt day.

II An Act touching Causes Testamentary.

The last disposition of the deceased (naming an Exequuto^r) made either by words or writing touching his or her lands, or goods or any other matter, appearing by oath of two witnesses, shalbe iudged the last will and testament of the deceased. And the Exequutor shall have the Probate of the will vnder Seale.

If no Exequutor be named, or the Exequutor named be not willing or able to vndertake it, or not in these parts, the

Administration with the will annexed shalbe committed to the Overseers (if any be named in the will) or some one of them. And if none bee, then to the nearest of kinne to the Exequutor (being an orphan or out of the Province) willing & able to vndertake it; and in default of such, then to the nearest of kinne to the deceased, living within the Province & willing & able to vndertake it. And in defect of such, then to the greatest Legatary living within the Province & willing & able to vndertake it; and in defect of such then to the nearest of kinne to such Legatary willing & able to vndertake it, & in defect of such, then to the next greatest Legatary, being within the Province, & willing & able to vndertake it; and in defect of Legataries, then to the greatest Creditor of the deceased, clayming it. And in defect of Creditors then to any person as the Judge shall think fittest. Liber P R

And where no will is proved, the Administraōn shalbe committed to such partie living within the Province, & willing & able to vndertake it, as hath nearest right by the Law of the Province to succeed to the goods. And in defect of such, then to the greatest Creditor clayming it. And in defect of such, then to such person as the Judge shall think fittest.

All causes of complaint against the Judge in Testamentary causes, and all Probates Accompts, or other matters Testamentary, wherein he is interessed as a partie, shalbe heard & determined by the Judge of the Provinciaall Court, according to the Law or vsage of the Province, or former presidents of the same or the like nature (to be determined by the Judge) and in defect of such then according to his sound discretion.

Exequutors & Administrators not being willing & able to vndertake the payment of all debts & legacies of the deceased within this Province, shalbe charged by oath and Recognisance, to sell the goods of the decease w^{ch} shall come to their hands at an outcry (published five daies before, whereof one to be a sonday or holy day) in the County or hundred where such goods are to be sett to sale. Provided that no goods be sold at such outcry but to such persons as shall not be excepted against by the Creditors or Legataries of the deceased, then and there present (if any be) or the maior part of them.

And what is not so sold shalbe appraised by the oath of two men nominated by the cheifest Creditors or Legataries of the deceased then and there present.

And debts made & goods appraised in such manner as aforesaid, may be applied to the Creditors or Legataries at those rates. But it shalbe lawfull to the Exequutor or Admrātor to take the goods at the appraisem^t giving good security for the value.

No Exequutor or Admrātor may dispose of any of the

Liber P R deceaseds estate to the paym^t of any debt or legacie, before the end of the next Ordinary Court after his Probate or Administration vnder Seale: and afore a Bill published at the vsuall place of the County, requiring all persons clayming to that estate, to enter their clayme (in his book at least) before the end of the said next Court. And after such Court as aforesaid, the Exequutor or Admrātor may be iudged for any debt or legacie, & may iustifie the payment of any, so it be without preiudice of others having right of precedency by the Law.

And in case the estate be not found solvent to all debts and Legacies, the Exequutor or Admrātor shalbe bound to pay in
 p. 23 the order following. viz that Legacies in kind be paid afore Legacies in value, and debts afore Legacies. And of debts that funerall charges [be] first defrayed, then Landlords rents, then the debts of the Lord Proprietary contracted bonâ-fide (other then by fine, forfeiture, or assignments to others vse) then publique leavies, and officers ffees, then Servants wages, then iudgements appearing vpon record within the Pr[ovince] and of them the first recorded be first paid. And that all other debts be paid by æquall partition.

The Exequutor or Admrātor, with consent of any two or more Creditors or Legataries may admitt and allow any debt of the deceased, & iustifie the payment of the same, so it be in such order as is afore appointed.

where the Exequutor or Admrātor hath right to succeed to the residue, no fee shalbe due to him for his paines. and likewise where any Creditor or Legatary is Exequutor or Admrātor, and there be not sufficient to pay all debts and legacies within this Province, there shalbe no fee due for paines. But in all other cases the Exequutor or Admrātor shall have such allowance for his or her paines as the Judge shall think fitt, so it exceed not ten per centum of the estate brought into the accompt received.

where any goods owing for, are remaining in specie, among the goods of the deceased, the Creditor of such goods (or his assigne) making sufficient prooffe of it, may have the said goods restored to him without diminution, in satisfaction of so much of his debt, if he demand it afore the property of the goods be altered. This Act to endure for three years from this present day.

12 An Act touching Succession to Land

Where any one dieth seised of land in fee, not disposing of it otherwise by his last will, the next heire shall succeed, as hath right by the Law of England. In defect of such heire the nearest

heire living within the Province, may enter vpon the land & hold it for the vse of such next heire. And if none nearer enter, or clayme in seven yeares, he shall hold it in the same right and estate, as if he had beene next heire. And in defect of all such heires living within the Province, the Lord of the fee of whom the land is immediately holden, and in defect of all such Lords, then the Lord Proprietary may enter & hold the land in such manner as is afore appointed for nearest heire. Liber P R

And the widdow shall succeed to the cheife mansion house (to hold it during her widdowhood) and to the thirds of all the lands whereof her husband died seised. This Act to endure for three yeares from this present day.

13 An Act touching Succession to goods of intestate persons

The widdow shall succeed to the goods & chattells of the deceased intestate, if there be no child. And if there be but one child, the widdow shall succeed to the one halfe, and the child to the other halfe. And if there be more then one child, the widdow shall succeed to one third, and the residue shalbe divided among the children by æquall shares. If there be no widdow, the child, or children by æquall shares shall succeed to the whole. If neither widdow nor child, the nearest of kinne living within the Province; that may be heire to the deceased, shall succeed to the whole.

If any partie knowen to have right to succeed in whole or in part be out of the Province, or be orphan, the Administrator shall bring the residue belonging to such forreiner or orphan, into the Provinciaall Court, there to be disposed of to such par[ties] vse, as the Judge shall think fitt. This Act to endure for three yeares from this [present day.]

14 An Act touching Assignments

Where two parties are indebted to one another vpon accompt, [the one of them] may not assign away his interest in the accompt without the consent [of the other unless] it be of that w^{ch} is due from the other, vpon the cleare accompt, at [that time when such] assignment is first demanded of the debtor, whose debt was assigned. p. 24

No deed or contract made after the publication hereof, whereby the propriety of any lands, goods, or chattells are intended to passe, shalbe good and pleadable in law, except the property thereof at or before the making of the contract or delivery of the instrument, be altered by delivering possession in the presence of two or more witnesses, or that the contract

Liber P R or instrument by w^{ch} the right passeth be acknowledged before some person authorised, & recorded in, or certified to the office of that County Court afore the next ordinary Court day following. This Act to endure for three yeares from this present day

15 An Act ordeining punishm^t for certaine greater Capitall offences

All offences of Treason by the Statute of 25 Edw: 3. ca: 2 done within this Province, shalbe punished as Treason vseth to be in England.

All offences of willfull murther by the Law of England shalbe punished as willfull murther vseth to be in England.

All offences of conspiring the death or destruction, or of attempting any premeditate violence against the person of the Lord Proprietary of this Province, or (in his absence) of his Lieutenant Generall, or of holding any private intelligence with a declared enemy of the Province (by way of practise & conspiracy against the Lord Proprietary, or (in his absence) against his Leiuten^t Generall; or of rising in armes or mutinie against the Lord Proprietary, or (in his absence) against his Lieutenant Generall) or of being accessary to any the offences aforesaid, shalbe punished by paines of death, and forfeiture of all the offenders, lands, goods, and chattels to the Lord Proprietary. This Act to endure for three yeares from this present day.

16 An Act for the punishm^t of certaine lesse capitall offences

These following shalbe adiudged capitall offences within this Province, that is to say, all offences of homicide, pyracie, robbery, burglary, sacriledge, sodomy, sorcery, rape & larceny, to be determined by the Judge as neare as may be to the Lawes of England. Likewise all offences of willfull burning or destroying a house or stack of tobacco, corne, or hay of another mans, or of cutting or plucking out willfully anothers eies or tongue.

And the offender (whether principall or accessary afore the offence committed) in any of these, shall or may be iudged to suffer pains of death, or of burning in the hand or losse of member, and to lose all his or her lands for life, goods or chattells, dignity, or office, or may be outlawed, exiled, imprisoned during life, or adiudged to serve the Lord Proprietary & his assignes for the terme of seven or lesse yeares (except he be a gentleman) or may be any otherwise corporally corrected or

putt to shame, as the Court shall think the crime to deserve. Liber P R
This Act to endure for three yeares from this present day.

17 An Act for punishm^t of some Offences not Capitall.

Any person striking any Officer, Juror, or witnesse in presence of the Court, or striking any other person with a drawn weapon in presence of the Court, or striking any Magistrate or highe Sheriff of a County in or for the doing of his office, or counterfeiting the hand or signe manuell, or any of the Seales of the Lord Proprietary, and using such counterfeit hand or seale within his Lo^{pps} iurisdiction to the preiudice of another, or willfully falsifying corrupting or embesilling of a record or giving false witnes upon oath in Court, or perswading or hiring another to give such false witnes; may be iudged to lose his, or her right hand, or to be burned in the hand, or to any other corporall shame or correction (not extending to life) or be fined, as the Court shall think fitt. This Act to endure for three yeares from this present day.

18 An Act for the punishment of drunkennesse

p. 25

Every one convicted of being drunk (to be determined by the Judge) by or before any sworne Judge by view of the Judge, confession of the partie or testimony of two sworne witnesses, shall forfeite one hundred weight of tobacco toward the building of a prison or such other publique use as the Lord Proprietary or his Lieutent Generall shall think good. Or if the offender be a servant and have not wherewith to satisfie the fine, he shalbe imprisoned, or sett in the stocks, or bilboes fasting for foure & twenty houres. This Act to endure for three yeares from this present day.

19. An Act for the punishment of swearing.

Every one convicted of prophane cursing or swearing (to be determined by the Judge) by or before any sworne Judge, by hearing of the Judge, confession of the party, or testimony of two sworne witnesses shall forfeit five pound of tobacco to be employed to the building of a prison, or some other publique vse. This Act to endure for three yeares from this day.

20 An Act appointing a fee for Sergeants of the trained band.

The Sergeant of the trained band in every hundred shall have foure pound of tobacco upon every head in the hundred

Liber P R able to beare arms, for his art & paines in training them. But this yeare only two pound per head. This Act to endure for three yeares from this day.

21. An Act touching taking up of land.

Where any one entreth upon any land to be held of his Lo^p or taketh out warrant for such land in any certaine place, he shall enter into rent the next Christmasse following, except the right saved to Adventurors by conditions of plantation. And if the Surveyor be found in delay after his warrant delivered to him, he shalbe liable to the partie to the value of the rent, till he hath returned his survey. And the Secretary shalbe liable in like manner for delay of drawing the Pattent, after the survey returned & warrant for drawing of it.

Every one clayming title to any land in certaine, to be holden of his Lo^p may demand his claime to be entred upon record, & such entry shall barre all ensuing grants of the same land till the clayme be tried. Warrants for laying out of land (without any certaine place assigned) delivered to the Surveyor, shall bind the Surveyor to lay the lands out according to the order as the warrants were delivered to him, vpon paine of recompence to the party greived (except he have other instructions to the contrary from or under the Lord Proprietary).

Upon the backside of every Pattent, or in a Schedule annexed (afore it be putt to the Seale) the Surveyor being thereunto demanded by the partie interested, shall describe the plott of the grant, with all the bounds named upon the grant, & a seale & compasse to it; by w^{ch} bounds the grant shalbe interpreted & iudged ever after. This Act to endure for three yeares from this present day.

22 An Act touching Passes

No man after the publishing hereof in the County, may without consent of the cheife Judge of the County in Commission for the time being, transport any inhabitant out of the Province, that is obnoxious to iustice for some malefice; nor (without consent of the partie or parties interessed) may transport any one against whom there is action or iudgment (vn-satisfied) vpon record, or that is another mans servant or the parties owne servant and liable as afore (except it be an apprentice) upon paine of making recompence to all parties greived. This Act to endure for three [years from] this present day.

- 23 An Act touching attachm^{ts} & exequutions upon corne, or tobacco. Liber P R
p. 26

An attachment or execution shalbe iudged sufficiently served vpon corne afore it be husked, or tobacco afore it be struck in caske, if the Officer appointed by the writt take an eare or stalk of the corne, or a plant or leafe of the tobacco in his hand, saying (in the presence of the owner or one or two neighbours) these words or to this effect thereafter as the writt is, viz [I doe hereby attach [or seise] all the corne [or tobacco] of N (naming the partie) in this feild [or house] to the vse of this writt] and then read or shew the writt, or declare the effect of it.

And no corne or tobacco so attached or seised, may after that time be validly disposed of, or applied to any other vse, without consent of the Court, or partie or parties interested, vpon paine of recompencing to the partie or parties greived, double the value of the tobacco or corne so vnlawfully disposed of or applied. to be incurred by all or any partie or parties concurring to such vnlawfull disposure, after knowledge or warning, or sufficient meanes vsed whereby they might or should take notice that it was so attached or seised. And the tobacco be vnlawfully disposed of, wheresoever found within the Province, shalbe restored to the vse of the writt.

And if there be more writts then one, laid vpon any corne or tobacco in manner aforesaid, such tobacco & corne shall stand bound in like manner as afore, to the vse of every writt, according to the order wherein they were laid upon it. Except that where there be two or more exequutions of one date laid upon a cropp or house of tobacco or corne, the exequution shalbe served by equall partition, among the parties interested in such exequutions.

Provided alwaies that so much as shalbe mentioned upon any writt to be for customes or subsidies to the vse of the Lord Proprietary, granted by Assembly, or for the meere and proper debts of the Lord Proprietary (otherwise growing then by fine, forfeiture, or assignments malæ fidei) or for publique leavies to the vse or accompt of the Province, allowed or authorised by Act or House of Assembly, or for ffees of publique Officers (published by the Leiutenant Generall & Counsell in a table for that purpose, bearing date the first of August last) or for Landlords rents or Servants wages, shalbe first satisfied.

And further provided that the parties or any of them to whose vse any corne or tobacco stands so bound, may at any time or times (vpon the neglect or disability of the owner, or of any other the partie or parties having precedent right) vse, defray, and performe or cause to be performed all care, charge,

Liber P R & diligence, needfull to such corne or tobacco to bring it in case to be payable, and putt it to the accompt of the owner. And after allowance of it by the Judge, shall have such accompt defrayed out of the corne or tobacco, afore it be applied to any other vse.

And the Sheriff or his deputy upon demand (of any partie interested) to serve or exequite any exequution vpon any corne husked, or tobacco struck in cask, shall measure the corne by it selfe, & view & weighe the tobacco in the presence of two sworne men (to w^{ch} purpose, & likewise in all appraisements to be done by or before him he shall have authority to administer an oath to such persons) And with their advice & approbation of the soundnes of it, shall mark it with a broad arrow, to signifie the seisure of it and with some further speciall mark to signifie to whose use it was so seised. After w^{ch} time it shall remaine to all intents & purposes, as the proper goods of such partie or parties to whose use it was so seised.

And the Sheriff having any writt delivered to him of attachment or exequution upon any goods or chattells, and the goods or chattells named & declared to him whereon he may lay the same, shall lay or cause it to be laid without delay, vpon paine of recompence to the partie greived. And if there be two or more writts in his hand at one time unserved, he shalbe bound (vpon like paine) to serve them in the order as the writts are dated. This Act to endure for three yeares from this present day.

p. 27

24 An Act for an Expedition against the Indians.

It shalbe lawfull to the Lieutenant Generall or other Captaine or Captaines by or under him authorised, to make an expedition ags^t the Sesquihanoughs, or other Indians as have committed the late outrages vpon the English, at such time & in such manner as he or they shall think fitt: and to take out of every County or hundred, within the Province the third man able to beare armes, such as he or they shall think fitt; to goe vpon the said Expedition. (except that the Leiuten^t Generall and his apprentices are not to be reckond in any hundred to any purpose of this Act.) Every of w^{ch} said men so leviabie vpon every hundred, shalbe (at the charge of the hundred) furnished & provided with one fixed gonne, two pound of powder, eight pound of pistoll or bullett shott, one sword, and two months provision of victualls, and shalbe transported to & from the expedition with vessells & all necessaries at the like charge of the hundred.

And if any further supply of victualls be needfull to be raised afterwards during the expedition, the Comanders may

raise it as they shall see need & charge it vpon the hundred defective, w^{ch} shall charge it vpon the ffreemen of the hundred in the same manner & after the same proportion as the other charge was assessed & contributed to by the hundred. Liber P R

And the ffreemen of every severall County or hundred, shall assemble at certaine time & place after the end of this Assembly to be before appointed in every hundred by the Lieuten^t Generall. And the persons then and there assembled (or the maiōr part of them) shall have power to assesse vpon all inhabitants of the hundred, what charge & proportion of men, vessells, armes, ammunition, provisions, tobacco or other necessities to the service, each inhabitant of the hundred shall contribute or beare toward the finding of the Souldiers & other necessities leviabie vpon that hundred. And if any so assessed shall refuse to contribute or beare the thing or somme assessed vpon him or her it shalbe levied vpon the refuser by distresse & sale of any his or her goods or chattells.

And every housekeeper shalbe liable for all persons soiorn- ing or abiding within his or her family. And if such persons be freemen the housekeeper charged in their behalfe, may putt it to the accompt of such freemen, & recover it by action of debt. And if such persons be apprentices hired of or belonging to some other person, the housekeeper so charged in their behalfe, may putt it to the accompt of the master or dame whose the apprentice is. And where it is vncertaine to what family or hundred any one doth belong, he shalbe charged to that family, wherein he had his last abiding at or afore the time of the assessm^t.

Provided that where any parties are aggrieved with any assessm^t made by verture of this Act, the Lieutenant Generall and Counsell, if it be in the County of S^t Maries, and the Comander & Commissioners of Kent if it be in that County, shall have power to rectifie the greivance, according to æquity & the true intent of this Act.

And if any thing be remaining in stock after the Expedition finished, it shalbe returned to the Counties proportionably, and from the Counties to every hundred, and from the hundred to particular persons, proportionably to their charge.

And all perquisites and benefitts arising, growing, or acquired from enemies prosecuted by this Expedition, by any treaty, present, or composition for peace or Satisfaction for iniuries done, shalbe to the vse & accompt of the Province; and vpon demand (in the Provinciaall Court) of any freemen (in the name & behalfe of [the Pro]vince) of any partie or parties possessed of such perquisites or benefitts [such partie] or parties so possessed shalbe liable to accompt & restitution and the perquis[ites] so acquired shalbe distributed proportionably to the

Liber P R Counties, and from each Coun[ty to] every hundred, and from thence to particular persons, according to the proportion [of] their charge to the expedition; vntill the said charge be fully satisfied & recompenced.

p. 28 25 An Act providing some things for the better Safety
 of the Colony.

Whensoever the necessary defence of the Province or any part thereof against the assault or invasion of the Indians or other enemies shall require it, it shalbe lawfull for the Lord Proprietary or his Lieutenant Generall, to presse or take any vessells, men, provisions, armes ammunition or other things necessary for defence, at the most vsuall rates of the country at that time, and the price or hire thereof to charge vpon the inhabitants of the Province in such manner & according to such proportions as the said Lieuten^t Generall with the advice & assent of the Counsell or the maior part of them then present in the County shall think fitt.

Provided that such charges amount not in one year to above four thousand weight of tobacco in St Maries County, nor in Kent to above two thousand weight of tobacco

And if any person pressed to goe vpon any publike Service or expedition by authority of any Law of the Province, receive any corporall harme in such service whereby he shalbe disabled to follow his labour or calling, he shalbe cured, and he his wife & children (if he have any and not otherwise meinteinable) shalbe meintained till he be able to work, at the charge of the Province or County, in such manner & according to such rates & proportions as the Court shall asseesse.

And if any inhabitant be constrained (by publique order) to forsake his house or goods for the assisting of others or for common safety, whereby such house or goods come to spoile or harme, such person so harmed or spoiled, vpon prooffe thereof shall have his spoile or losses repaired by a publique contribution of the whole County, where such case happens, in such manner & according to such proportions as shalbe assessed by the Court. This Act to endure for three yeares from this day.

These Acts were published at S^t Maries vnder the Great Seale, the fifteenth day of September 1642

PROCLAMATIONS.

OF DECEMBER 16, 1642,
CALLING AN ASSEMBLY FOR FEBRUARY 3, 1642/3,
AT ST. MARY'S;

OF MARCH 28, 1643,
CALLING AN ASSEMBLY FOR APRIL 3, 1643,
AT ST. MARY'S;

OF NOVEMBER 16, 1644,
CALLING AN ASSEMBLY FOR DECEMBER 3, 1644,
AT ST. MARY'S.

CECILIUS CALVERT, LORD BALTIMORE,
Proprietary.

LEONARD CALVERT,
Governor.

16th December 1642

Liber P R
p. 66

By the Leiuten^t Gräll

Whereas I have appointed to hold a gräll assembly at S^t Maries on the third of ffebruary next to consult & advise of some important affaires of the Province, these are therefore to give publique notice thereof to all persons whom it may concerne, and to require all ffreemen inhabiting within the Province to be at the said Assembly by themselves or their proxies at the time & place aforesaid whereof not to faile at their perill.

1st ffebruary 1642

p. 74

Proclamation the Assembly dismissed and all men discharged of attendance on friday next by Proclamaōn

28th March 1642.

p. 87

Proclamation to summon all ffreemen inhabiting within the Province to be at Generall Assembly on 3^d Aprill next to consult of the important affaires of the Province.

Whereas I have appointed to hold a Generall Assembly at S^t Maries on the third of Aprill next, These are to will & require you to repaire personally to the said Assembly, there to consult & advise touching the important affaires of the Province. Given at S^t Maries this 28th day of March 1642

To John Lewger Esq
the like writt to Giles Brent, william Blount, & John Langford Esq^{res.}

16th November 1644

Liber M C
P. 305

Whereas I have appointed to hold a General Assembly at S^t Marys on Tuesday the third of december next these are to summon all freemen inhabiting within this Province to be at the said Assembly at the time and place aforesaid either by themselves or their Proxies or Burgesses to consult and advise with me touching the affairs of the Province whereof they are not to fail at their Perills

Liber M C Like Proclamation to Kent to Saint Clements hundred and
S: Michaels

Special writts to Thomas Gerard, James Neale Thomas
Greene Giles Brent and William Brainthwayte Esq^{rs} and of the
Council to be here in Person

I do Authorize M^r Secretary in case of my absence at Saint
Marys on the third of december next to Prorogue it to such
further day as he shall see fit and to be Commander of Saint
Mary's County during my absence

L. Calvert

ACTS
OF THE
GENERAL ASSEMBLY
OF MARYLAND,

At a session held at St. Mary's, February 11, 1644/5.

CECILIUS CALVERT, LORD BALTIMORE,
Proprietary.

LEONARD CALVERT,
Governor.

1644
Febr

At the Generall Assembly holden at St Maries the
Eleventh day of february 1644

Liber P R
p. 200

An Act for the defence of the Province

It shalbe lawfull for the Governor for this yeare onley to settle a garrison at pascatoway and to asseesse the charge of it vpon every head able to beare armes inhabiting within the province at any time afore the first of December next so that such charge vpon any head exceed not a barrell of corne, or fifty pounds of tobacco wth cask at the choice of the payer And to presse any Souldiers to that service, at the rate of three and twenty barrells of corne, or one thousand w^t tob wth cask & three barreles of corne for a yeares pay And to appoint the payment of such souldier in such hundred & such place of the hundred as the Governor shall see fittest. And to appoint one or two places in every hundred, to which all persons chargeable within the hundred shall bring the corne or tobacco charged vpon them, before the first of December next. And if any one chargeable as aforesaid, shall not pay the same according to such Order as shalbe appointed by the Governor as aforesaid such partie so in default shall forfeite to the partie to whose payment he was charged double the quantity or value of the tobacco or corne so charged; to be levied vpon the partie offending by way of distresse. And the charge of the late Expedition to Kent & of this assembly as shalbe allowed by the Court is to be defrayed out of this levie] Published vnder great seale 13th febr: 1644

PROCEEDINGS AND ACTS
OF THE
GENERAL ASSEMBLY
OF MARYLAND,

At a session held at St. Inigoes, December 29, 1646—January 2, 1646/7

CECILIUS CALVERT, LORD BALTIMORE,
Proprietary.

LEONARD CALVERT,
Governor.

At S^t Inegos ffortt 29th decem: 1646.

Liber A
P. 94

In the vpper howse

Gouern^r M^r Lewger: M^r Greene.

The Burgesses being sent for, and all appearing, the Gouer-
ner declared to them that they weare caled hither as ffreemen
to treat and advise in assembly touching all matters as freely
and boldly wthout any awe or feare and wth the same Liberty
as at any assembly they might have don heretofore, and that
they weare now ffree from all restraint of their persons and
should be ffree during the assembly Saueing only to hymselfe
after the end of the Assembly, such charge as he had or hath,
against any for any cryme committed since the last generall
Pardon:

Sworne Wil: Lewis.

Jo: Iarbo

Rob^t Sharpe

Iohn Salter.

Wil: Clare

Tho: Kingwell

Testified that the Gouer^r afore their comeing vpp out of
Virgina declared to all the Souldiers in publicke and to these
deponents in particul^r (in these words or to this effect that they
weare to attend hym vppon these termes, viz: that if he found
the Inhabitants of S^t Maries had accepted his pardon for thier
former rebellion and weare in obedience to his Lo^{ty} the Souldiers
weare to expect no pillage there but he would receave the
inhabitants in peace and only take aid from them to the re-
duceing of Kent.

The howse adiorned till next morning 30th

Decem^{br} 30. The howse adiorned till next morning

31. The howse adiorned till 2^d Jan: morn

Jan: 2^d The howse adiorned till 1 of March.

P. R. O. An Act assented unto by the Freemen and Enacted by the
Colonial En- Governor Leonard Calvert Esq^r att a Generall Assembly
try Book held att S^t Innagoes Forte on the 2nd of January 1646.
No. 53

An Act touching Judicature

All Justice as well Civill as Criminall shall bee administered by the Governor or other Chiefe Judge in Court according to the Lawes of the province and in defect of Lawe, then according to the sound discretion of the said Governor or other Chiefe Judge and such of the Councell as shall bee present in Court or the Major parte of them And if the Votes of the Councell differ equally the vote of the Governor or other Chiefe Judge in Courte shall cast it

PROCEEDINGS AND ACTS
OF THE
GENERAL ASSEMBLY
OF MARYLAND,

At a session held at St. John's, January 7, 1647/8—March 4, 1647/8.

CECILIUS CALVERT, LORD BALTIMORE,
Proprietary.

THOMAS GREENE,
Governor.

By the Governo^r and Cap^t
Gräll of Mary-land

Liber A
p. 115

Whereas the prnt important Affayres of this Province doe necessarily requyre the speedy Gräll assistance & assent of the Inhab^{ts} thereof as well for the Settlem^t of some pñt urgent difficulties as for the establishing of such wholesome Lawes as shall bee conducing to the well & happy governm^t of the sd province. These are therefore to declare unto all p̄sons whom it may concerne that I doe intend to hold a gräll Assembly att S^t Maries on the seaventh day of Ianuary next & I doe further requyre in the L^d Prop^s name All & Singular the Inhab^{ts} of this Province, eyther by their p̄sonall appearance or by Proxey or delegate to attend the Governo^r and Councell att S^t Maries on the 7th of Jan: as afores^d there to aduise & consult of the important Affayres of this Province. Where by way of caution I aduise all such as shall not giue their p̄sonall attendance therein that they make choyse of such p̄sons for their Delegates whose able iudgm^t & ffortunes may render them more considerate to the weale publique Gyuvn att S^t Maries this 14th Decemb^r 1647

Sig:

Tho: Greene

Summons to Cap^t Giles Brent

Summons sent up to Kent by way of Proclamaõn Jan^r p. 125
The Gouerno^r & ffreemen of the County of S^t Maries assembled att S^t Maryes & noe retorne of the Summons made from Kent The Governo^r adiornd the Assembly till the Seaventh of ffebruary.

11 Jan. 1647

Whereas at the last meeting of the Gou^r & the ffreemen of p. 129
the county of S^t Maries on the 7th of this instant month The Assembly was adiornd until the 7th of ffeb: next by reason there was then noe retorne made from the Ile of Kent: But since the Inhab^{ts} of the said Island being come; soe long delay may proue much disadvantageous to the whole Country. These are in the L^d Prop^s name to will and requyre you forthwith vpon sight hereof to giue Notice to all the Inhab^{ts} of S^t maries County, that I intend to anticipate the fores^d

Liber A adiornm^t to the 17th of this instant month & th^t I doe expect eyther their personall appearance or by Proxei or Delegates to attend the Gou^r & Councell att S^t maries on the 17th day afores^d there to aduise & consult uppon the important affayres of this province.

Sig:

Tho: Greene

To the Sheriff or his
Deputy

Monday the 17th Jan.

By reason that m^r Bretton who was appoynted Clerk of this p^{nt} Assembly did not appear, nor notice from him the Gou^r addorned the house till to morrow 9 clock.

Tuesday 18 Jan.

Vppon non appearance of M^r Bretton as afore the Gou^r adiorned the house till Thursday next

Thursday 20th Jan: 1647

The Grall Assembly held att S^t Johns.

Assembled

Gouerno^r

Capt: Rob^t Vaughan wth 26 Proxies of the Inhab^{ts} of Kent
George Akerick wth 6 proxies of S^t Clem^{ts} hund^d

John Medley wth 11 proxies of New Towne & S^t Michaels
hund^d

Richard Banks wth 19 proxies of New-Towne hund^d

Capt. John Price with 8 proxies of S^t Georges hund^d

John Holfhead wth 2 prox: of S^t Maries.

Barnaby Jackson wth 7 proxies.

M^r Cuth: ffenwick wth wth 2 prox.

Edward Packer wth 2 prox.

Tho: Allen wth 2 prox. of S^t Michaels hund^d

Walter Waterlin wth 2 prox.

M^r Bretton wth 3 proxies of New Towne.

George manners wth 1 proxie.

John Hatch wth 2 prox.

M^r Jn^o Wyatt. And di^vs other Inhab^{ts}

The howse adiorned by the Gou^r till 2 clock, afternoone.

2 clock afternoone the Gou^r & ffreemen assembled as afore.
was read the Act for settling this p^{nt} howse of Assembly.

An Act for the settling this pñt howse of Assembly.

Liber A
P. 130

Acts the
first day

Bee it enacted by the L^d Prop^r of & wth the aduise & assent of the ffreemen of the province th^t his L^{ps}. Councell pñt in the pro: & these sixteene persons Cap^t Jn^o Price, Rob^t Vaughan, m^r ffenwick, M^r Bradnox, m^r Conner m^r Thorneborough, m^r Brookes, Tho. Allen, Rich: Banks, Barnaby Jackson, George Saphyer, George Akerick Jn^o Medley, Water Waterlin, Walter Pakes, Edward Packer, or any Ten of them, assembled wth the Gou^r & the Clerk of the Assembly att the time & place prefixed by the Gou^r shall be a Howse of Assembly to all intents & purposes. And all Bills passed by the s^d ffreemen or the maior part of them, & enacted by the Gou^r shall be Lawes of the Pro: after publicaõn thereof, under the hand of the Gou^r and the pñt seale of the pro: as fully to all effects in Law as if they were aduised & assented unto by all the ffreemen of the pro: in person.

The ffreemen assented unto it

Published Eod.

The Gou^r assented unto it
and enacted it in the name
of the L^d Prop^r

The howse adiornd by the Gou^r till to morrow 9 Clock

Walter Pakes appeared wth 29 proxies.

ffriday 21th Jan.

The ffreemen bownd to attend the Assembly appeared except m^r ffenwick, m^r Thorneborough, M^r Brookes & George Saphyer

Summons to George Saphyer to be att the Assembly forthwth vppon sight &c

was read certaine orders to be obserued in the howse during the Assembly

Came M^{rs} Margaret Brent and requested to have vote in the howse for her selfe and voyce also for that att the last Court 3^d Jan: it was ordered that the said M^{rs} Brent was to be lookd uppon and received as his L^{ps} Attorney. The Gou^r denyed that the s^d M^{rs} Brent should have any vote in the howse. And the s^d M^{rs} Brent protested agst all proceedings in this pñt Assembly, unlesse shee may be pñt. and have vote as afores^d

Orders &c.

Published eod. 1 That noe one of the howse shall use any reuyling speeches or name any one by name but by another signification Viz. the Gent. that spoke last or the like.

Liber A 2^{ly} That noe one shall speake aboue once att one reading to any Bill wth out lycence of the Gou^r. And if 2 psōns rise up together, the Gou^r shall Appoynt who shall speake first. And noe one shall interrupt another, or speake till the other hath ended.

3^{ly} That noe one shall deliuer his opinion or speake to any bill sitting, But shall stand up reuerently and bareheaded directing his speech to the Gou^r.

4^{ly} That euery Bill proposed to the howse shall be read 3 seuerall dayes before it shall be uoted to engrosmt. And that betwixt euery such reading one day shall be intermitted unlesse wth speciall lycence of the Gou^r.

5^{ly} That before the gräll day of Sessions for the enacting of all the Lawes, notice shall bee gyuen 3 dayes before, att the least to all the County of S^t Maries to make their personall appearance, if they shall like thereof.

p. 131 6^{ly} That noe one shall come into the howse of Assembly (whilst the howse is sett) wth any weapon uppon perill of such fine or censure as the howse shall thinke fit

7^{ly} Any of the 16 members bownd to attend the Assembly th^t shall be absent from the howse att the hower & place appointed shall be fyned (after the number of Ten of them shall be pnt wth the Gou^r & the Clerk) in the Summe of 50^t Tob. unlesse lawfull excuse shall be shewen: to be employed in defraying the charges of this pnt Assembly.

8^{ly} All misdemean^{rs} w^{ch} shall happen in the howse shall be censured & fyned by the howse. To be employed as afore.

9^{ly} Any one of the sixteen members th^t shall not attend the house, eyther through sicknes or other urgent occasion shall have power to constitute another Proxie in his roome during such his absence

The howse adiornd by the Gou^r till to morrow morning 9 clock

Saturday 22th Jan.

Mr Rob^t Clerk proxie for Wal. Smith

George Akerick appointed Mr Clark proxie for himselfe, & all his uoices

Jn^o Medley, appoynted ffran: Posey proxie for himselfe and all his uoices

The ffreemen bownd to attend the assembly assembled except George Saphyer

was read An Act for the extent of Attachm^{ts} & exequūons.

The howse adiornd by the Gou^r till Munday morning 9 clock

Munday 24th Jan

Liber A

The ffreemen assembled except Tho: Allen, Rich. Banks, M^r ffenwick, M^r Brooks, M^r Thorneborough Walter Pakes, who were amerced by the howse according to the order. But after reuoaked, by reason of the weather

Published eod. It is this day ordered by the howse th^t noe one except the forenamed 16 members or their Delegates assembled wth the Gou^r & the Clerk shall have uote or seate in the howse afore the gräll day of sessions.

M^r Rob^t Clark Proxie for W^m Lewis.

Jn^o Hatch proxie for Tho: Hebden, Tho: Jackson & Tho: Allen & all his Uoyces.

was read an Order of this pnt Assembly for the leuying of Corne towards the defraying of the Soldiers wages. And Assented unto by the whole howse, except Rich: Banks Jn^o Hatch, W Waterlin,

Published eod. Whereas diuers of the Soldiers now being in the Country are Alltogether destitute, of Corne for their pnt subsistence w^{ch} (by conditions wth the late deceased Gou^r contracted should have bene defrayed before this time. But by reason of the scarcity thereof this yeare in the Country & noe Corne re-mayning on his L^{ps} estates more, then what is already Distributed unto the s^d Soldier, His L^{ps} Attorney (to whom it belongeth) is unable for the pnt to discharge untill Corne be brought into the pro: by way of Trade or otherwise. And whereas in the meane time unlesse some speedy course be considered uppon & taken by the Country in discharging the s^d Corne it is much to be feared th^t diuers disturbances may happen in the pro: euen to the utter subuersion & ruine of the same. To preuent all w^{ch} mischeifes (it being apprehended that there is some considerable quan^{ty} of Corne in the Country by diuers concealed for their priuate interests w^{ch} if it were purchased of the owners, & distributed in part among the s^d Soldeers would be a great satisfaction to them & consequently a stop to all feares of ensuing mischeifes) Be it therfore Ordered by the authority of this pnt Assembly that the Gou^r shall haue power by one or more sworne Officers thereunto by him appoynted to veiw and measure euery mans Corne in the pro: And where there shall bee more fownd then sufficient to suffice th^t hows-hold (th^t is to say aboue 2 barrells: for euery head except sucking children) to presse the same, & deliu^r it to his L^{ps} Attorney, for the soldiers use, allowing the owners thereof 150^l Tob: p^r bar: at the next Crop: or to haue soe much againe restored this yeare If Corne shall be brought into the pro: by Trade

p. 132

Liber A or any other wayes, (if they shall desyre it) to be recouered of his L^{ps} Attorney. And any one th^t shall conceale any Corne, & not bring all his whole quan^y of Corne, to the Officers ueiw. That then such p^{ty} shall forfeite the s^d Corne soe concealed to the L^d Prop^r & be fyned in dowble the price of the s^d Corne.

And it is further Ordered by the authority afores^d That the Proclamaōn sett forth by the Gou^r bearing date Nouemb^r 8. 1647 concerning the Exportation of Corne out of the pro: As also the Preservation of the increase of the Stock of horses bee in full force & power untill it shall be repealed by the s^d Gou^r:

The howse adiorned by the Gou^r till to morrow morning 9 clock.

Cap^t Jn^o Price appoynted M^r W^m Thompson Proxie for himselfe & his uoyces.

Twesday 25th Jan:

All assembled except M^r ffenwick & M^r Brooks.

George Saphyer wth 6. Proxies appeared.

was read An Act for the confirmaōn of the L^{ps} Pattent.

Ordered th^t the s^d Bill should be throwne out of the howse by all the ffreemen then assembled except M^r Bretton

was read { An Act for the repeale of the p^{mt} Act of Customes,
& the Act Touching Trade
An Act for the support of the L^d Prop^r & his Gou^r
An Act Touching the paym^t of Debts.

The howse adiorned by the Gou^r till tomorrow morning 9 clock.

Wednesday 26^o Jan:

The ffreemen all assembled.

Nicolas Gwyther Petitioned to haue Vote in the howse. as a ffreeman of the pro:

M^r ffenwick denyeth, saying th^t he oweth him seruice.

was read { An Act for the Repeale of the p^{mt} Act for Customes & the Act Touching Trade.
the 2^d time { An Act for the extent of Attatchm^{ts} & exequuōns.
An Act Touching the paym^t of Debts.

was read { An Act Touching Indians.
An Act for the poepling of the Prouince.
An Act for the support of the Gou^r

The howse adiorned by the Gou^r till 2 clock afternoone.

Wednesday afternoone

Liber A

All assembled

was read { An Act Touching Indians
2^d time { An Act for the support of the Gou^r

The howse adiorned by the Gou^r till tomorrow 9 clock

Thursday 27^o Jan:

p. 133

The ffreemen all assembled except Jn^o Medley & Walter Waterlin.

was read the 2^d time An Act for the support of L^d Prop^r

Voted by all the ffreemen then pr^{nt} th^t s^d Bill should not come to engrossm^t Except M^r Bretton.

was read { An Act for the Repeale of the pr^{nt} Act for Customs, & the Act touching Trade. Engrossed.
An Act Touching Indians. Engrossed.
An Act for the extent of Attatchm^{ts} & exequūōns. Engrossed.
An Act for the Poepling of the Prouince. Engrossed by all except M^r ffenwick.
An Act Touching the paym^t of debts. Engrossed.
An Act for the support of the Gou^r Engrossed

was read An Act Touching the Gou^r of the Prouince the 1 time

The howse adiorned by the Gou^r till 3 clock after noone

Thursday after noone.

All assembled except as afore.

was read. An Act Touching the Gou^r of the pro: 2^d time.

The Gou^r appoynted

Committee {	m ^r Clark,	George Saphyer
	Rich: Banks,	Edw: Cotten.
	Wal: Pakes,	Edw: Packer
		M ^r Bretton Clk.

To draw up the Bill for the keeping of a garryson att Cedar Poynt agst to morrow: 3 clock, after noone.

The howse adiorned by the Gou^r till 3 clock afternoone.

ffriday 28th Jan 3 clock after noone.

M^r Brooks appoynted M^r Jno^o Wyatt his proxie.

Jn^o Medley appoynted M^r Percy his proxie, & his uoyces.
M^r Percy prox. Tho: Math: M^r Crouch.

Liber A The ffreemen all assembled.

Jn^o Hatch gaue voyce & his proxie to Tho: Allen.

Wee the ffreemen assembled in this prnt gräll Assembly doe hereby declare under o^r hands & generally ioyntly & unanimously protest agst all the Lawes w^{ch} are now pretended to be in force by the last gräll Assembly. Conceiuing th^t they were not lawfully enacted for th^t noe summons issued out to all the Inhab^{ts} whereby their appearance was requyred by lawfull authority.

Witness o^r hands this 28^o Jan. 1647.

Rob ^t Vaughan	24 voyces	Rob ^t Clark prox: Geo: Akerick 8.
Cuth: ffenwick	3.	Wall: Pakes 22
Rob ^t Percy proxy	} 15.	Will ^m Thompson ^a prox: Capt: Price 9
Jn ^o Medley		Tho: Bradnox
Phillip Conner		Tho: Thorneborough.
Rich: Bankes	24.	Edw: Packer 3
Tho: Allen	6.	John Wyat, prox. m ^r Brooks
George Saugher	6.	Edw: Cotten, pro. Bar: Jackson 9
Walt: Waterlin	2	Will ^m Bretton 4.

The howse adiorned by the Gou^r till to morrow 9 clock. To heare Pet^{ns} of the Country.

Saterday 29^o Jan:

The ffreemen all assembled.

p. 134 Nicolas Gwyther petitioned to the howse for his ffreedome w^{ch} m^r ffenwick (Attorney of Capt. Cornwaleys) denyeth to him.

Vppon the Petⁿ of Nicolas Gwyther the howse censured th^t they fownd noe Service due to m^r ffenwick from the s^d Nic: Gwyther. But th^t the product of his labour ouer & aboue his necessary maintenance (after the war was done) should be comming to m^r ffenwick. The s^d nic: Gwyther to bring in (uppon oath) a iust account, into the howse betwixe this & Munday morning, to the time th^t his seruice expyred.

Tho: Olyuer Petitioned to the howse th^t eyther m^r ffenwick (Attorney of Cap^t Cornewal.) should performe the con^t w^{ch} the s^d Thomas made wth the s^d Cap^t Cornewalleys, or els to be att his owne disposall.

Vppon the Petⁿ afores^d the s^d m^r ffenwick, not being able to p^rforme the cure, according to condition; The howse ordered th^t the Pet^r should be att his owne disposall wthout further obligeōn of seruice.

Francis Posey petitioned agst Jn^o Hatch, Sheriff for th^t the s^d Sheriff disposed of the Pet^rs estate & made deliuey thereof wthout iudgm^t of Court. The maior part of the howse censured th^t s^d Jn^o Hatch Sheriff did the Pet^r noe iniury in exequuting what he was commanded

Liber A

Jan: 29 1647

Whereas the ffreemen assembled in this pnt gräll Assembly haue ioyntly & unanimously protested agst all the Lawes lately enacted by the late Gou^r deceased on a gräll Assembly held by him att S^t Inegos ffort on the 2^d Jan: 1646, as appears uppon Record under the hand of Jn^o Lewger Esq^r Secretary of this prouince; falsly pretending an unlawfullnes in the s^d Acts ffor want of due Summoning the ffreemen of the Prouince by a lawfull authority.

I Thomas Greene Esq^r his L^ps Gouvernor for the time being doe absolutely protest agst all such undue proceeding, & do hereby declare the fores^d Assembly held by the Gou^r afores^d att the time & place afores^d to be most lawfull. And all Acts therein assented unto by the ffreemen, & enacted by the Gou^r afores^d to be Lawes of the prouince as fully to all Effects in Law, untill his L^p shall have signified his disassent thereunto as any Lawes heretofore in the pro: haue or ought to haue bene. And further I declare in the face of this pnt Assembly th^t I shall to the uttmost of my power, by uertue of his L^ps Commisⁿ gyuen to me in th^t behalfe see the due obseruance of the same throughout all the parts of the pro: untill his L^ps disassent thereunto shall appeare under his hand, & seale as afore.

Tho: Greene

Whereas it appeareth th^t Nathaniel Pope, Attorney of M^r James Neale, by uertue of his l^rs of Attorney, gaue unto M^r Tho: Thorneborough The Plantaōn w^{ch} was formerly the s^d M^r Neales, to enioy for eu^r uppon Condition that he would come into the Country & Seate uppon it. And whereas likewise there are diuers depositions uppon Record how th^t M^r Caluert late Gou^r did confirme what was formerly belonging to the s^d M^r Thorneborough in Maryland before his last coming into the pro: to reassume the gouerm^t & did giue the s^d Plantⁿ unto the s^d M^r Thorneborough. Wee the ffreemen assembled in this gräll Assembly doe generally & unanimously bind o^r selues, to saue the s^d M^r Thorneborough harmlesse, & to stand betwixt the said M^r Neale and him: Whereby he the s^d M^r Thorneborough may goe uppon the s^d Plantⁿ & enioy the same.

p. 135

Recordat.

Will^m Bretton Clk Assemb.

was read an New Act Touching the Gou^r of the Prouince Liber A
The howse desyred to consider of it, till after noone.
The howse adiorned by the Gou^r till 2 clock afternoone

Monday afternoone

All Assembled as afore

was read againe An Act Touching the Gou^r of the Prouince.
The whole howse reiected the pnt Bill. And uoted th^t the
former Bill should be Engrossed. And the Gou^r denyed it.

was read An Act ffor the Repeale &c:

Vppon the Petⁿ of Tho: Thorneborough for a horse w^{ch} Gou^r
Caluert had promised him, The howse could not find th^t any
deliuery was made thereof. And therefore the Property neuer
altered.

The howse adiorned by the Gou^r till Thursday 9 clock. p. 136
M^r Thorneborough appoynted ffrancis Posey his Proxie

Thursday 3^o ffeb:

The Gou^r & ffreemen all assembled except Tho: Allen who
was excused by sicknes & ffrancis Posey Prox: for M^r Thorne-
borough.

nothing read.

The howse adiorned by the Gou^r uppon request of the
maior part of the ffreemen assembled till next Thursday 9
clock.

Walter Pakes appointeth M^r Jn^o Wyatt his Proxie

Thursday morning 10th ffeb.

The Gou^r & ffreemen assembled except M^r Bretton clerk of
the Assembly, whereuppon the Gou^r appointed L^t W^m Lewis to
supply the place.

And the Gou^r adiorned the howse till munday next 9 clock

Munday 14th ffeb.

The Gou^r & ffreemen all Assembled except ffrancis Posey
Proxie for M^r Thorneborough.

The Bill w^{ch} was received Intituled An Act Touching the
Gou^r of the pro: uppon consideration was requyred further to
be considered uppon.

The howse adiorned by the Gou^r till 2 clock afternoone.

Liber A

Munday Afternoone.

All assembled except as afore
was read An Act Touching the Gou^r of the Prouince.
Was read An Act for his L^{ps} rights & the Peoples Liberties
The howse adiorned by the Gou^r till monday next 9 clock.

Munday 21th ffeb.

The Gou^r & Cap^t Giles Brent (one of his L^{ps} Councell) and
ffreemen assembled except M^r Bretton clerk of the Assembly
& the Gou^r appointed John Lewger Junior to supply his place.
The Gou^r adiorned the howse till 2 clock afternoone.

Monday 2 clock afternoone.

All assembled as afore except M^r Bretton.

Vppon a motion made in this howse That A Remonstrance
mought be drawne up concerning the aggrevances of the Pro-
uince. It was ordered th^t Cap^t Giles Brent Esq^r Cap^t Rob^t
Vaughan & M^r Cuth: ffenwick should prepare it for the howse
agst to morrow 2 clock afternoone.

The howse adiorned by the Gou^r till to morrow 2 clock
afternoone.

Tuesday 22th ffeb. afternoone.

The Gou^r & councell & ffreemen all assembled, except M^r
Percy Proxie for Jn^o Medley.

According to the former order Cap^t Brent, Cap^t Vaughan &
M^r ffenwick brought in the Remonstrance into the howse.
And the Gou^r commanded it should be read.

was likewise read certain propos^{ns} for a speedy defence
agst the Indian enemy.

ffrancis Posey appointeth George Manners proxie for m^r
Thorneborough.

The Gou^r adiorned the howse till to morrow 9 clock

Wednesday 23. ffeb.

The Gou^r Councell and ffreemen all assembled except G.
Manners prox: M^r Thorneborough.

was read the former Remonstrance. And diuers things
occurring w^{ch} were forgotten in the fores^d Remonstrance.
Ordered by the howse th^t the fores^d persons should prepare it
agst 3 clocke after noone.

The howse adiorned by the Gou^r till 3 clock after noone.

Wednesday afternoone

Liber A

The Governo^r Councell & ffreemen assembled

Edward Packer desyred that his cause mought be tryed by the howse of Assembly agst Jn^o Hatch attorney of Thomas Gerard Esq^r. And the howse gaue consent & erdered therefore.

Vppon the demand of Edw: Packer the assign^s of M^{rs} Margaret Brent agst Tho: Gerrard Esq^r for 1994^l Tob: & charges of Court being in the whole 2168^l. The howse Ordered th^t Three Bills vz. of Tho: Thomas for 1000^l Tob: & cask & of Joseph Cadle for 932^l Tob: & cask, and Walter Beane for 300^l Tob: & cask, should be deliuered by the s^d In^o Hatch Attorney of the s^d M^r Gerrard unto the fores^d Edward Packer, for his Satisfaction according to a iudgm^t of Court recouered agst the the s^d M^r Gerrard by M^{rs} Marg: Brent att a Court held att S^t Maries 2^o Decemb: And assigned to Edward Packer by the s^d M^{rs} Brent. And the s^d Edward Packer to be responsible for the overplus of the Tob: conteyned in the s^d Bills being 64^l p. 137 unto M^r Gerrard or his assignes.

M^{rs} Margaret Brent desyreth to have her cause heard & tryed by the howse agst Thomas Gerrard Esq^r on the behalfe of the L^d Prop^r for 5000^l Tob:

Att the request of some p^rticular members in the howse on the behalfe of M^r Gerrard afores^d Itt is Ordered (for that it could not be proued) th^t the s^d M^r Gerrard hath had notice of the former proceedings agst him concerning the s^d demand, nor noe Attorney to make answeare thereunto) That a new Attachm^t shall issue forth to that value ret. p^o Martij if the s^d M^r Gerrard shall be then in the pro: if not ret. the next Court. By w^{ch} time the s^d M^r Gerrard may haue notice thereof.

was read that part of the Remonstrance w^{ch} was brought into the howse this afternoone.

Vppon motion in the howse of drawing up certaine new propos^{ns}.

The Governo^r adiorned the howse till to morrow 2 clock afternoone

Thursday 24 ffeb: 2 clock afternoone.

All Assembled

was read An Act for settling Gouvern^t in the pro: as the p^{nt} state of things will permitt.

The Gouverno^r adiorned the house till Saterdag 9 clock.

Liber A

Saturday 26. ffeb:

All Assembled

was read An Act for settling gouern^t in the pro: as the p^t State &c: the 2^d time.

was read Propos^{ns} for the p^t security of the pro: agst the Indian enemy

The howse adiorned by the Gou^r till Tuesday next 9 clock.

Tuesday 29 ffeb:

All Assembled, except Tho: Allen, George Saphyer, Jn^o Lewger prox: M^r Bradnox, & M^r ffenwick.

was read the first Clause of An Act for settling gouern^t in the pro: the 3^d time.

The howse adiorned by the Gou^r till 2 clock afternoone.

Tuesday Afternoone

All assembled except Tho: Allen, John Lewger prox: M^r Bradnox & M^r ffenwick.

was read the first clause of the fores^d Act &c: Engrossed.

was read the 2^d clause of the same Act &c: Engrossed.

Will^m Whitle, Stannop Roberts, & Will^m Hungerford petition for themselves and severall Soldiers agst the estate of M^{rs} Margaret Brent for their wages. And the s^d M^{rs} Brent promised to send downe to Virginia wth all speed ready Tob: to be procured by her, to buy provisions of dyett of them, most importuned and desyred by them.

was read the 3^d clause Touching Leuies & iudgm^{ts} &c: Engrossed.

was read the 4 clause Touching Officer's ffees. Engrossed.

was read the 5 clause Touching the oath of ffidelity. Engrossed.

The house adiorned by the Governo^r till tomorrow 9 clock.

p. 143 The Oath of Cap^t Jn^o Price, taken in open Assembly 29^o ffeb. 1647.

This Dep^t sayth that he questioning M^r Caluert how the great charge incurred should be payd. The s^d M^r Caluert replyed That the charge should be payd out of his owne estate & his L^{ps} estate, & if th^t would not be sufficient, he would engage the pro: euen wth the sale of his L^{ps} Pattent.

Walter Pakes deposeth in open Assembly That one Elias Beach declaring to M^r Leonard Caluert in p^{nce} of this Dep^t that he would depart the Pro: for feare of great charges for paym^t of Soldiers wages, like to light uppon the Country. To

whom M^r Caluert replied That his own Estate & his Brothers Liber A
should pay the Soldiers and th^t noe other charge should come
uppon the Country more then the 60^t Tob: a hogshead: &
further added saying, if th^t will not doe, I will engage his L^{ps}
Country for the satisfying of the s^d Soldiers.

Leif^t Will^m Euans deposeth in open Assembly That he hath
heard M^r Leon: Caluert say words to this effect. Whereas he
fownd it necessary to maintaine such a charge in defence of
the pro: If his L^{ps} estate in the pro: could not defray the charge
his owne should; & if th^t would not he would engage his L^{ps}
prouince.

Will^m Whitle deposeth in open Assembly That he heard M^r
Caluert say th^t his L^{ps} Estate and his own Estate should goe
towards the paym^t of the Soldiers, and if th^t were not suffi-
cient he would engage the prouince. And in p^ticular he the
s^d M^r Caluert agreed wth the Soldiers to take Cowes wth calfe
or calues by their sides at the rate of 600^t Tob: and heighfers in
calfe or calues by their side at 500^t Tob: towards their wages.

Marke Pheypo deposeth in open Assembly idem ad uerbum
quod Will^m Whitle ut Suprà.

Wednesday, p^o Martij

All assembled except M^r ffenwick, Wal. Gwest prox: G.
Akerick, Jn^o Lewger, prox: M^r Bradnox, & Cap^t Jn^o Price.
was read the 6 clause Touching defence of the prouince.

The Governor adiorned the Howse till 2 clock, afternoone.

Wednesday afternoone.

All assembled except as afore.

was read againe the 6 clause Touching defence of the
prouince.

The Gou^r appoynted { M^r Bretton Rich: Banks
Jn^o Hatch M^r Saphyer } Committee
Bar: Jackson.

To draw up Conditions wth the Scouts agst to morrow 9
clock

The howse adiorned by the Governo^r till to morrow 9 clock.

Thursday 2^o Martij.

All assembled except M^r ffenwick M^r Percy prox: Jn^o Medley,
Jn^o Lewger prox: M^r Bradnox & C. Price.

The Committee brought in returne into the howse that they
could make noe bargaine wth the scouts because the pties wth
whom they were to conclude were not yett come.

Liber A The howse left in manner of a Committee to draw up certaine propos^{ns} & conditions to be obserued by the raingers or scouts agst 2 clock afternoone.

The howse adiorned by the Gou^r till 2 clock afternoone.

Thursday Afternoone

All assembled except M^r ffenwick, Walter Gwest prox: G. Akerick, M^r Percy prox: Jn^o Medley (who was excused by sickness & Cap^t Jn^o Price.

Cap^t Price fyned by the house 100^l Tob:

Walter Gwest 050.

M^r Jn^o Lewger for yesterdays absence 050

p. 138 was read the propositions & conditions wth the Raingers.

was read the 6. Clause Touching defence of the pro: Engrossed.

Jn^o Hatch in the behalfe of Will^m Ediffe & M^r Jn^o Rosier Attorney of Cap^t Stone desyre to have their causes heard & determined by the howse of Assembly agst the admīstrato^r of the estate of M^r Tho: Weston deceased, ut sup^{ra} pag: 146. The howse consented thereunto.

The howse adiorned by the Gou^r till to morrow 9 clock.

ffriday 3 March

All assembled except Cap^t Brent, M^r ffenwick, M^r Percy prox: Jn^o Medley & Cap^t Price who was fyned by the howse 050^l Tob:

was read the 7 clause Touching grāll pardon. Cast out of the howse.

the 8 clause Touching S^t Inegos ffort. Engrossed.

the 9 clause Touching the Remonstrance

The howse adiorned by the Gou^r till 2 clock afternoone.

ffriday afternoone.

All assembled except Cap^t Brent, M^r ffenwick & M^r Percy prox: Jn^o Medley.

was read the 9 clause Touch: Remonstr: Engrossed by all except M^r Saphyer, Cap^t Price, Barnaby Jackson & M^r Bretton, & denied by Gou^r

was read the 10th claulle Touching Gou^r Engros. by all denied by the Gou^r

The Gou^r adiorned the howse & appoynted Day of Sessions to morrow 9 clock.

Saterday 4 March.

Liber A

All assembled except M^r ffenwick & M^r Percy prox: Jn^o Medley, who was fyned 50^t Tob:

Vppon motion in the howse whither the Order for the Leuying of Corne & the last clause of it, concerning the Proclamaõn for the exporting of Corne & stock of horses published 24 Jan: was accounted & esteemed for a Law by the howse, the opinion of all the howse was th^t they intended it only as an Order to be in force during the pñt assembly, & noe longer, Except Barnaby Jackson, & M^r Bretton.

was read Acts Touching the extent of Attachm^{ts} & exeq^{ns} Enacted.

Payment of Debts. Enacted

Touching Pagans. Enacted

ffor support of the Gou^r not passed.

was read the first clause of Acts for setling Gouvern^t in the pro: as the pñt state of things will pñit.

Touching Souldiers wages

The 2^d clause Touch: Court days

The 3^d clause Touch: Leuys & Judgm^{ts}

The 4 clause. Touch: Officers ffees

The 5 clause Touch: Oath of fealty.

The 6. clause for defence of the pro:

The 7 clause Touch. the ffort of S^t Inegos

} Enacted

The 8th clause Touch: the Remonstrance. passed by all except M^r Saphyer, Bar: Jackson & M^r Bretton. And the Gou^r who neyther for his owne peculiar uoyce, nor in the L^d Prop^{rs} name assented to enacting this Bill.

was read the 9 clause Touching Gou^r passed by all except the Gou^r who as afore.

The Gou^r & Assembly appoynted a Committee viz: Cap^t Brent, Cap^t Vaughan, Cap^t Price, M^r Saphyer, Barnaby Jackson & Edward Packer, or any fieve of them, to allow the accounts of all charges of this Assembly, & appoynt the assessm^t & to cause the same to be putt uppon Record.

And the Gouverno^r dissolved the howse

Att the Committee for Charges of the Assembly.

The Committee appoynted the Somms underwritten to be p^d to the p^{ties} underwritten March 4^o 1647

Liber A		Tob: Cask.
	To M ^r Jn ^o Lewger for the use of his house. The discount of his fine	0050
	To M ^r Bretton for 25 dayes attendance	1250
	To Rob ^t Vaughan out of Kent County	1302½
	To ditto from S ^t Maries County	0272½
	To Cap ^t Price	0150
	To ffrancis Van Enden	3600
	Memorand ^m of the Clerks ffees aboue sett being 1250 ^t Kent is to pay	0250

The Committee finding they could not now make a true Estimate of the Number of poeple planting in the severall Counties, whereby to proportionate the assessm^t equally: referred the making of the assessm^t unto the meeting in Octob^r next.

Signed

Giles Brent	John Price	Edw ^d Packer
Rob ^t Vaughan	George Saughier	Barnaby, Jackson

p. 146 Att a Gräll Assembly Thursday Afternoon 2^d Martij.

All assembled except M^r ffenwick, Walter Gwest prox: George Akerick, M^r Percy prox: Jno. Medley who was excused by sicknes & Cap^t Jn^o Price.

Will^m Edisse att the request of Jn^o Hatch desyreth to haue his cause heard & determined before the howse of Assembly. and the howse consented thereunto.

Vppon the demand of W^m Edisse agst the administrato^r of Thomas Weston for cloathes &c: due for his seruice.

Jn^o Hatch deposed sayth th^t the s^d Edisse to his knowledge receaued noe more from M^r Weston for his seruice then 3 barrells of Corne, 1 weeding hoe, & an axe. The house ordered th^t the plf. should recouer of the Administrato^r out of the estate of M^r Weston 337^t Tob: in consideraōn of his demand for seruice.

Cap^t Will^m Stone being the Attorney of M^r Thomas Stone of London Merch^t p^r Attornat. Jn^o Rosier demands iudgm^t agst the administrato^r of Thomas Weston Merch^t deceased, for 135^t sterl. wth interest for 22 yeares.

Vppon the demand afores^d Marke Pheypo Attorney of M^r Hantford Admistrato^r of the estate of M^r Weston appeared. And the said Marke Pheypo vpon specialty produced in the Assembly and a lt^r of Thomas Weston under his owne hand acknowledging the debt (which lt^r and specialty appear vpon Record) acknowledged 135^t principall debt, but denyeth the

Interest, the dammage for forbearance thereof not being made appear. But alleaged moreouer, th^t he had not effects enough in his hands wherewth to discharge the s^d debt demanded. And the howse adiudged 21600^l Tob: at the rate of 1^d ½ p^r l. The Admistrato^{rs} Attorney declared to the howse th^t the Admistrato^r had the acc^t of the estate by him, & he himselfe had it not & therfor craued two months Liberty to giue notice to the Admistrato^r in Virginia, th^t he may bring in his acc^t and th^t till th^t time noe exequution may issue agst the personall estate.

The Admistrato^{rs} Attorney acknowledging uppon demand th^t he had sufficient psonall estate in his hands to discharge other precedent dues out of the estate, the Howse Ordered th^t the plf might imediately have an Extent uppon the Lands of the said Tho: Weston. But that the dēfts request (concerning noe exequution to be issued agst the personall estate, untill the 2 months demanded be exsphyred) should be graunted him.

Charges of the Assembly 1647°

p. 191

To M ^r Bretton Clk	1000
To Cap ^t Vaughan	0272
To ffrancis Van Enden	3600
	<hr/>
	4872
To walter waterlin for bringing intelligence touching the Susquehannows	0080

Charges of apprehending & imprisonning

5 Indians uppon Suspition of ffelony 1648°

To the Sheriffe for 16 day imprisonm ^t & entry & release	1700
To the Gou ^r for the s ^d prisoners dyett	0400
To 10 ^l p ^r Cent for collecting	0700
	<hr/>
	2800
	<hr/>
	7672
	0080
	<hr/>

7752

This day the ffreemen of the County of S^t Maries mett together att the Gou^{rs} to aduise touching the Leuy of the charges incurred this p^{nt} yeare, and determined by the Gou^r & Councell on the 9th Octob^r last to be leuyed out of the County. The whole charge amounting to 7752^l Tob: & Cask.

p. 193

Liber A The ffreemen alleage th^t the charge for imprisonment of the Indians is unduely laid vppon the County; But alleged not any thing materiall for it. Whereuppon the Gou^r found noe reason to alter the former order sett downe by the Gou^r and Councell as aboue. As concerning the manner of leuying the s^t charge, The ffreemen unanimously agreed, & concluded th^t it should be leuyed uppon all the Tytheable psōns Inhab^{ts} of S^t Maries County equally p^r head, th^t were resyding in the County from the tenth of June last, w^{ch} resulteth to 55^l Tob:
June 14th 1648

P. R. O.
Col. Ent. Bk.
No. 53

Acts assented unto by the Freemen and Enacted by the Governor Thomas Greene Esq^{re} Att a Generall Assembly held att S^t Johns on the 4th March 1647.

An Act touching Court dayes

Uppon the first six dayes not being Sundayes or Holy dayes of the month of March Aprill June October November and December next following the Judges authorized by Com^{on} shall keepe Court in S^t Marys and Kent Countyes and then and ther shall Judge all Causes within their Cognizance according to the laudable customes of this province and according to Equety and good Conscience and the Judge-ments then and ther given and agreeing with the powers granted in their Commissions shall by writts issued to the Sheriffs cause to bee put in Execution and wher the Judge, the plaintiff or the defendant shall soe require it, the cause shall bee tryed by a Jury.

An Act for the Extent of Attachments and Executions.

Wheras divers Inhabitants of this Province have been burdened and aggrieved with Attachments Wee the Freemen assembled in this Generall Assembly doe pray that it may bee enacted, and bee it enacted by the Lord Proprietor if and with the Assent and Approbation of the Freemen in this present Assembly, that noe Attachment shall or may be layd vpon any the Goods or Chattles of any Inhabitant of this Province except the true Owner therof bee not att that tyme resident or dwelling in the province and whoever shall attach more then a fourth part over and above the vallue of the debt shall beare the dammages of the attachment and dammages of the party.

And be it further Enacted that noe execution may or shall bee layd upon any the Goods or Chattles of any the hous-

holders or other dwellers of this Province soe farre as to deprive them of all livelyhood for the future but that Corne for necessary mayntenance and Bedding Gun Axe pott and necessary labourers tooles with such like household implements and Ammunition for subsistance shall bee protected from all Attachments or executions soe long as wee or they shall inhabite within the province.

P. R. O.
Col. Ent. Bk.
No. 53

Provided that such as shall bee found by prooffe or other Circumstance willfully to absent themselves into the woods or other where from the Sheriffes sight whereby they cannot bee brought to a tryall, and such allsoe as shall bee intended to depart or flye out of the province (to bee averred upon Oathe) shall have noe benefitt of this Lawe But that an Attachment or execution may issue forth on all or any of his or their Goods or Chattles.

An Act touching Payment of Debts.

Noe Contracts or other Reckonnings upon Accompt booke or otherwise then by specialty onely which shall bee above nine months standing shall bee pleadable in any Courts of this Province except such as have been before the end of this Assembly Contracted.

And noe recovery (except upon bill bond or other Instrument under hand writing) shall bee made upon any dead man's Estate after the end of this Assembly except for debts made afore, in any Courts of this Province. Any former Act or order differing from this notwithstanding, noe Bill Bond or other specialty under hand writing shall bee assigned over to another without the Consent of the Debitor.

An Act touching Pagans.

Noe Inhabitant of this Province shall deliver any Gunns or Ammunition to any Pagan for the killing of meate or to any other use upon payne of forfeiture to the Lord Proprietor 1000lb tobacco and loss of the partyes Gunn to him that shall make seisure therof or take the same from such Pagan or to him that shall informe therof and able to make prooffe therof.

Provided that the Governor of the Province for his own perticuler shall or may keepe and employe any one Pagan att a tyme and likewise have power to deliver any Arms or Ammunition to any freinds Pagans for defence of the province as hee shall see cause this act notwithstandinge.

This Act to bee in force tenn dayes after the publication therof in the Province.

PROCEEDINGS AND ACTS
OF THE
GENERAL ASSEMBLY
OF MARYLAND,

At a session held at St. Mary's, April 2—21, 1649.

CECILIOUS CALVERT, LORD BALTIMORE,
Proprietary.

WILLIAM STONE,
Governor.

21st April 1649 ffor the former proceed-
ings of this Assembly vide Pag 17

Saturday the 21st of Aprill Liber A
1649 being the last day and P. 268

Sessions Day of the Assembly.

The house being Called all Assembled but M^r Pile, and M^r Hatton whose absence was excused by the Governor.

The Committee brought in the charge of this p^{re}sent Assem-
bly w^{ch} is as followeth viz:

At the Committee for Charges of the Assembly. The Com-
mittee appointed the so^{me} underwritten to be paid to the
parties underwritten. This 21th of Aprill 1649

All Tobacco underwritten due with Cask.

Imprimis for the Shallopp and one man Man 9 dayes	Tob. 200
for one Man 8 dayes	080
for 2 Men 7 dayes	140
for Provision for the men paid by the Sheriff	100
for fetching Wood and Water during this Assembly	150
	<u>670</u>

Here of Kent is to pay a sixt part being	112
S ^t Maries County is to pay the rest being	558

L ^d Banks, Walter Pakes M ^r Browne & John Man- sell for theire diet at 16 ^d Tob: p day a man for 21 dayes and for losse of theire time 10 ^d Tob: p day with Cask	} 2184
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M ^r Thorneborough for 21 dayes	0210
George Manners for 16 dayes	0160
To M ^r ffenwick for his trouble at this Assembly	1200
for M ^r Bretton	0210
ffor Cap ^t Vaughan for goeing to the Easterne Shore and sending downe a Boate and hands to S ^t Maries	} 0500
ffor the Clarke of the Assembly for 25 dayes at 50 ^d p day	1250
the sixt pt of w ^{ch} 1250 Kent is to pay	0208
S ^t Maries County to pay the rest being	1042
ffor M ^r Conner for the charg of this Assembly	1342

The Co^mmittee finding it iust to bee leuyed p pole as wee
conceive.

Cuthbert ffenwick

Phillip Conner

Richard Browne

Richard Bancks

Walter Pakes

Liber A This Bill of Charges being read, It was Ordered thereuppⁿ as followeth viz:

It is Ordered by the authority of this p^{re}sent Assembly that the Governor shall issue out Writts to the Sheriff of S^t Maries County to su^mon two Inhabitants out of every hundred to bee chosen by the hundred to meete together at some time and place to bee appointed by the Governor in October next and make Assessment on all the Inhabitants of each hundred of the charge that shalbe incurred this p^{re}sent yeare. The Order for the Leavy passed by all but M^r Greene.

A Letter was read to bee sent to his Lo^{pp} and signed by the whole house p^{re}sent.

Liber M C A Letter sent to his Lordship from the Assembly held at
P. 341 Saint Marys in April Anno Dni 1649

Right hoⁿble

Great and many have been the miseries calamities and other Sufferings which your Poor distressed People Inhabitants of this Province have sustained and undergone here since the beginning of that Heinous Rebellion first put in Practice by that Pirate Ingle and afterwards almost for two years continued by his Complices and Confederates in which time most of your Lordships Loyal friends here were spoiled of their whole Estate and sent away as banished persons out of the Province those few that remained were plundered and deprived in a manner of all Livelyhood and subsistance only Breathing under that intollerable Yoke which they were forced to bear under those Rebels which then assumed the Gov^t of your Lordships Province unto themselves ever endeavouring by Oaths and what other inventions and Practices they might to withdraw the Ears and Affections of the Inhabitants here from their wonted Obedience to your Lordship and to assure themselves of the Province so wrongfully taken and unjustly Possessed by them which our sufferings we hope your hon^r apprehends and is sensible and which tho they were ever Violent even like a Tempest for the time yet now (thanks be to God all is past and Calm and the whole Province in perfect Subjection again under your lawful Government and Authority during all which time your Honour cannot be ignorant what pains and travell your Friends underwent in aiding your dear Brother for the subduing of those Rebels and after again in conserving the Prov^e for your Lordship never sparing labour cost or Estate which they were or Could be Possessed of until they had accomplished their intended Purpose and desires in regaining it again and settled it under your Lordships Protection and dominion as for M^{rs}

Brents undertaking and meddling with your Lordships Estate here (whether she procured it with her own and others opportunity or no) we do Verily Believe and in Conscience report that it was better for the Collonys safety at that time in her hands then in any mans else in the whole Province after your Brothers death for the Soldiers would never have treated any other with that Civility and respect and though they were even ready at several times to run into mutiny yet she still pacified them till at the last things were brought to that strait that she must be admitted and declared your Lordships Attorney by an order of Court (the Copy whereof is herewith inclosed) or else all must go to ruin Again and then the second mischief had been doubtless far greater than the former so that if there hath not been any sinister use made of your Lordships Estate by her from what it was intended and ingaged for by M^r Calvert before his death as we verily Believe she hath not then we conceive from that time she rather deserved favour and thanks from your Honour for her so much Concurring to the publick safety then to be justly liable to all those bitter invectives you have been pleased to Express against her

Hereupon we cannot Chuse but wonder why your Lordship should write so tartly against the People who all involved under the Censure of your Lordships Letter for protesting against all the Laws which which were pretended to be in force and enacted by Leo: Calvert Esq^r deceased our late Governor at the last Assembly held by him afore his death as for the illegality of them we shall hear briefly shew your Lordship and hereby we hope shall sufficiently vindicate ourselves from such foul aspersions laid upon us from your Lordship

That the Assembly then wherein these Laws were pretended to be enacted as afore was Called first by Captain Edward Hill who was not so accounted by us or esteemed by your Lordship according to your instrument sent hither this year for the right-ful Gov^r of this Province which Assembly was continued only by M^r Calvert never declaring any new summons at all to the Inhabitants of the Province for that Purpose which Ought to have been done in that Case by him But within a very short time after he had surprized all those who had Combined themselves against him and cast them in Prison proceeded to the enacting of Laws with the members as afore called by Captain Hill and under adjournment the whole house of Commons (two or three only excepted) consisted of that Rebelled Party and his Professed Enemies to them he declared that they should be free during the Assembly only the Copy of which Record is herewith inclosed also we cannot Choose but wonder how your Lordship could suppose it fit and necessary that those your Loyal Friends and even those who Concurred most to the necessary defence and preservation of the Province should be

Liber M C

p. 343

p. 344

Liber M C deprived by Law of dues for so Great and Good a Service done and effected by them and principally for your Lordships Honour and Glory Notwithstanding all this it should be required at their hands to pay themselves a Levy upon themselves we much wonder also that your honour should Consider or think much that a few Cattle not above 11 or 12 Cowes at the most of your Lordships known Clear stock and those Conquered again to your Lordship and taken from the unlawful Possessor should be distributed among those men who had ventured and hazarded their Fortunes lives and Estates in the defence recovery and preservation of your Lordships Province especially those very Cattle being ingaged with all other your Lordships Estate here both by M^r Calvert & M^r Lewger to the Soldiers here in Consideration for their hire and wages and lastly we wonder that such Exactions should be made & required upon a People and those your faithful and Loyal Friends who had Conquered the Place many of them as yet being unsatisfied and Groaning under their late heavy Sufferings which have been great indeed when as we can make it Clearly appear to your Lordship that we have Already satisfied and paid out of our own Labour and Effects towards the Recovery Preservation and Sole defence of your Lordships Province 60000^l Tobacco which is far more (my Lord) than all our recovered estates in the Province were then worth had they been sold at Outcry and further that such strait Conditions of Plantation should be proposed and demanded by your Lordship as serve only to make the Place desolate of Spirritual Comfort especially nevertheless such are the Loyal Affections and hearty well wishes of us your Lordships Poor friends towards your honour that we really suppose and verily Believe all former mistakes and less well understandings that have happened between your hon^r and us for these many years have proceeded only from meer mistakes and misinforments that your Honour is unfortunately subject to have of us at so vast a distance there is from your Honour and being now Cordially desirous justly and unanimously to express a willing forwardness to give your Lordship all just and hoñble satisfaction that can be expected from a People at present so illeterate and void of that understanding and Comprehension necessary for a mature and wise discussion of such a Body of Laws as is now proposed by your Lordship to be assented unto by us for perpetual Laws as we acknowledge ourselves to be and whereas we have with much Sollicitude and Earnest endeavour according to our weak understanding read over Perused and debated upon all the aforesaid Body of Laws so proposed unto us by your honour in Reall desires in deed in Compliance with your Lordship of receiving them as Laws but in Conclusion finding them so long and tedious containing withal so may several Branches and

Clauses that in prudence we cannot as yet with safety to our- Liber M C
selves and our Posterity (being they are to be perpetual) concur
to the enacting of them as Laws requiring a far more serious
and longer discussion of them then at this time we are able to p. 346
allow thereunto for the necessary employment we are forced
upon in a Crop at this time of the year most of us having no
other means of subsistence than the same Besides your
Honours directions being such as that none of the said Laws
are to be recorded by us and enacted by the Lieutenant General
in your Lordships name without the whole Body should be
Received by us without alteration addition or dimunition to it
in a serious Perusal whereof we find in several Parts of it such
things as are not Convenient or as we Conceive it just to Pass
and so in that Respect have thought it most prudentiall not to
meddle at all with the foresaid Body of Laws but to Reflect
only on such things as may give your Honour for the present
most satisfaction and Comply most (to the utmost of our weak
Capacity and present poor Condition) with what we Conceive
your Honour most to point and aim at which if we do not
mistake are Chiefly four viz^t that the Country may be preserved
with Peace and defended and Governed with Justice 2^{dly} that
some Competent Support may be raised to your Lordship of
the same and your Lieu^t here 3^{dly} That a stock of Cattle may
be raised again for your Lordship and lastly that all should be
satisfied who had concurred to the Regain^s and Conserving of
the Country in Compliance with all which we have first
chosen and selected out of all your Lordships Laws such as
seemed to us most Conducing to Confirm a long desired and
settled peace among us and have further added such others
of our own as we conceive to be most necessary and best
Suitable to our present Condition and towards a future
support out of this Colony to your Lordship we have with
all Loyal Expressions of our hearty well wishes to your honour p. 347
so far as the present weak and poor Condition of this Colony
is capable of passed our Consent to a Law that your Lordship
and your heirs for seven years shall have a Custom of 10^t
tobacco upon every hhd of Tobacco laden upon any dutch
Vessel to be exported out of this Province so that your Lord-
ship will Graciously be pleased that the one half thereof may
Yearly be Employed towards the satisfying of all Just Claims
touching the Recovery and defence of your Lordships Province
as shall be brought in and made appear here in the Secretarys
Office before the last of March next until they shall be fully
discharged and by this your Lordships friends also in a short
time we hope and verily Believe will be Complied with to a
Great deal of Comfort and Satisfaction on all Parts and lastly
we have also Enacted by a Law that an Assessment shall be
laid upon all the Inhabitants of this Province to raise within

Liber M C these two Years from the date hereof 16 Cowes and a Bull which is by a third more then ever was known to be found certainly of your Lordships own Proper stock in this Colony since the Recovery of the same though it is true more understand your Lordships (the right owners not being able to prove them theirs being unmarked in the time of the late Rebellion and desirous to give unto your Lordship all hoñible satisfaction they could were contented all such uncertain beasts should be understood as your Lordships were indeed and are disposed of towards the Paym^t of such just engagements and at such Rates as was Agreed for by your Brother afore his death and
p. 348 this wee do willingly and freely in an earnest desire if it be Possible to beget in your Lordship better apprehensions and Constructions of our bound affection and Loyalty to your Honour then hitherto we conceive through our hard fortune you have been pleased to understand of us and with this humble Request also that your Lordship will be pleased to Ratify and Confirm under your hand and Seal without further disturbance such dispositⁿ as is already made of your Lordships former stock and other Personall Estate here for the recovery and defence of your Lordships Province according to the engagement and disposition thereof made by M^r Calvert before his death as will appear by several Oaths to that Purpose taken herewith and verily that litle of your Lordships known clear personal estate lost since the first Rebellion was in truth so small as that it was not Considerable when it was to Come in Ballance with the Safety of the Province which as the then present Condition of things stood hung upon so ticklish a pin as that unless such a disposition had been made thereof an absolute ruin and subversion of the whole Province inevitably have followed which had it so happened we your honour might have had far more just Cause of indignation against your then Governor for so small a Triffle to have endangered the Province then now in honour justice or Conscience you may when thereby alone your Lordships Province was then and is still Preserved in true and due Obedience to your Honour especially (as we hant often said) your Lordships whole estate here being disposed of bound & made Over by your dear Brother afore his death for the Satisfaction of the aforesaid Charges the which being done & new and Clear understanding
p. 349 procured between your Honour and us your poor people here we do farther humbly request your Lordship that hereafter such things as your Lordship may desire of us may be done with as little Swearing as Conveniently may be Experience teaching us that a great Occasion is given to much Perjury when swearing becometh Common forfeitures perhaps will be more Efficacious to keep men honest then swearing Oaths little prevail upon men of little Conscience and lastly we do

humbly request your Lordship hereafter to send us no more such Bodies of Laws which serve to little other end then to fill our heads with suspicious Jealousies and dislikes of that which verily we understand not Rather we shall desire your Lordship to send some short heads of what is desired and then we do assure your Lordship of a most forward willingness in us to Give your Governor all just Satisfaction that can be thought reasonable by us and whereas your Lordship doth seem to be Greatly distasted and disgusted at William Tomson your Lordships old Servant through some information which have been Given your Lordship of his Comportment here in aiding and siding with the Rebels against your Lordships Governor and Government which Information we do assure your Lordship to be most false Proceed^e rather (as we may suppose) out of hatred and spleen towards him then any Good Affection or Love to your Lordship for before any thing was proceeded upon in the Assembly William Tomson was Called and strictly examined before the Governor and Council and the whole Entry (and nothing at all Could be proved against him where- with he was accused to your Lordship that verily him in that Point most innocent and further report of him that your honour hath not a more faithful and Cordial Friend in the whole Province (and shewed to the utmost of his Ability even before in time of and ever since the troubles here then William Thompson is therefore we humbly crave of your honour according to to your hon^{rs} wonted Clemency and favour towards him not to harbour such thoughts and give ear to such false suggestions and Acclamations against him and further my Lord seing it hath been so notorious an Injury and Infamy to him we humbly crave that your Lordship will intimate hither the next year who were his principal Accusers in this Point which we the more earnestly Beg for that it will Give the whole Country and himself great Satisfaction thus in all humbleness to your Lordship we have Expressed Our intentions and Good will so far as the the tenderness of the Province and our abilitys can yet well Bear hoping to regain your Lordships favour if thro misinformation you have Conceived otherwise of us not doubting but upon we shall be better able to Contribute more Largely towards your support and Comply with your desires withall beseeching your Lordship to ratify what We have so earnestly aforementioned and craved at your Lordships hands and then we are Confident all things will go on with Love Peace and Unity Resting

From the house of
Assembly at Saint
Maries 21st April
1649

Your Lordships humble and faithful
Servants

Signed by all the Council and Bur-
gesses that day present

The Governor Dissolved the house.

Liber M C

p. 350

Liber A
p. 268

Acts of Assembly
of the 21th of Aprill
1649.

Confirmed by the
Lord Proprietary by
an instrument under
his hand & seale
26th of August 1650
Phillip Calvert.

Acts and Orders of Assembly assented

vnto

Enacted and made at a Genall Ses-
sions of the said Assembly held at St
Maries on the one and twentieth day of
Aprill Anno Dm̄ 1649 as followeth viz.:

An Act concerning Religion

fforasmuch as in a well governed and
Xpian Comon Weath matters concern-
ing Religion and the honor of God ought in the first place to
bee taken, into serious consideracōn and endeavoured to bee
settled. Be it therefore ordered and enacted by the Right
Ho^{ble} Cecilus Lord Baron of Baltemore absolute Lord and
Proprietary of this Province with the advise and consent of this
p. 269 Generall Assembly. That whatsoever pson or psons within
this Province and the Islands thereunto belonging shall from
henceforth blaspheme God, that is Curse him, or deny our
Saviour Jesus Christ to bee the sonne of God, or shall deny
the holy Trinity the ffather sonne and holy Ghost, or the God-
head of any of the said Three psons of the Trinity or the
Vnity of the Godhead, or shall use or utter any reproachfull
Speeches, words or language concerning the said Holy Trinity,
or any of the said three psons thereof, shalbe punished with
death and confiscatōn or forfeiture of all his or her lands and
goods to the Lord Proprietary and his heires, And bee it also
Enacted by the Authority and with the advise and assent afore-
said. That whatsoever pson or psons shall from henceforth
use or utter any reproachfull words or Speeches concerning
the blessed Virgin Mary the Mother of our Saviour or the
holy Apostles or Evangelists or any of them shall in such case
for the first offence forfeit to the said Lord Proprietary and his
heirs Lords and Proprietaries of this Province the sūme of ffive
pound Sterling or the value thereof to be Levyed on the goods
and chattells of every such pson soe offending, but in case
such Offender or Offenders, shall not then have goods and
chattells sufficient for the satisfyeing of such forfeiture, or that
the same bee not otherwise speedily satisfyed that then such
Offender or Offenders shalbe publiquely whipt and bee
ymprisoned during the pleasure of the Lord Proprietary or the
Leive^t or cheife Governor of this Province for the time being.
And that every such Offender or Offenders for every second
offence shall forfeit tenne pound sterling or the value thereof to
bee levyed as aforesaid, or in case such offender or Offenders shall
not then haue goods and chattells within this Province sufficient
for that purpose then to bee publiquely and severely whipt and

imprisoned as before is expressed. And that every pson or psons before mentioned offending herein the third time, shall for such third Offence forfeit all his lands and Goods and bee for ever banished and expelled out of this Province. And be it also further Enacted by the same authority advise and assent that whatsoever pson or psons shall from henceforth vppon any occasion of Offence or otherwise in a reproachful manner or Way declare call or denominate any pson or psons whatsoever inhabiting residing traffiqueing trading or comerceing within this Province or within any the Ports, Harbors, Creeks or Havens to the same belonging an heritick, Scismatick, Idolator, puritan, Independant, Prespiterian popish prest, Jesuite, Jesuited papist, Lutheran, Calvenist, Anabaptist, Brownist, Antinomian, Barrowist, Roundhead, Sepatist, or any other name or terme in a reproachfull manner relating to matter of Religion shall for every such Offence forfeit and loose the some or tenne shillings sterling or the value thereof to bee levyed on the goods and chattells of every such Offender and Offenders, the one half thereof to be forfeited and paid unto the person and persons of whom such reproachfull words are or shalbe spoken or vttered, and the other half thereof to the Lord Proprietary and his heires Lords and Proprietaries of this Province, But if such pson or psons who shall at any time vtter or speake any such reproachfull words or Language shall not have Goods or Chattells sufficient and overt within this Province to bee taken to satisfie the penalty aforesaid or that the same bee not otherwise speedily satisfied, that then the pson or persons soe offending shalbe publickly whipt, and shall suffer imprisonment without baile or mainepriise vntill hee shée or they respectively shall satisfy the party soe offended or greived by such reproachfull Language by asking him or her respectively forgiveness publicquely for such his Offence before the Magistrate or cheife Officer or Officers of the Towne or place where such Offence shalbe given. And be it further likewise Enacted by the Authority and consent aforesaid That every person and persons within this Province that shall at any time hereafter pphane the Sabbath or Lords day called Sunday by frequent swearing, drunkennes or by any uncivill or disorderly recreacōn, or by working on that day when absolute necessity doth not require it shall for every such first offence forfeit 2^s 6^d sterling or the value thereof, and for the second offence 5^s sterling or the value thereof, and for the third offence and soe for every time he shall offend in like manner afterwards 10^s sterling or the value thereof. And in case such offender and offenders shall not have sufficient goods or chattells within this Province to satisfy any of the said Penalties respectively hereby imposed for prophaning the Sabbath or Lords day called Sunday as

Liber A

Liber A aforesaid, That in Every such case the p̄tie soe offending shall for the first and second offence in that kinde be imprisoned till hee or shee shall publickly in open Court before the cheife Commander Judge or Magistrate, of that County Towne or precinct where such offence shalbe committed acknowledg the Scandall and offence he hath in that respect given against God
 p. 270 and the good and civill Governem^t of this Province And for the third offence and for every time after shall also bee publickly whipt. And whereas the inforcing of the conscience in matters of Religion hath frequently fallen out to be of dangerous Consequence in those commonwealthes where it hath been practised, And for the more quiett and peaceable governem^t of this Province, and the better to p̄serve mutuall Love and amity amongst the Inhabitants thereof. Be it Therefore also by the Lo: Proprietary with the advise and consent of this Assembly Ordeyned & enacted (except as in this p̄sent Act is before Declared and sett forth) that noe person or p̄sons whatsoever within this Province, or the Islands, Ports, Harbors, Creekes, or havens thereunto belonging professing to beleive in Jesus Christ, shall from henceforth bee any waies troubled, Molested or discountenanced for or in respect of his or her religion nor in the free exercise thereof within this Province or the Islands thereunto belonging nor any way compelled to the beleife or exercise of any other Religion against his or her consent, soe as they be not unfaithfull to the Lord Proprietary, or molest or conspire against the civill Governem^t established or to bee established in this Province vnder him or his heires. And that all & every p̄son and p̄sons that shall presume Contrary to this Act and the true intent and meaning thereof directly or indirectly either in person or estate willfully to wrong disturbe trouble or molest any person whatsoever within this Province professing to beleive in Jesus Christ for or in respect of his or her religion or the free exercise thereof within this Province other than is provided for in this Act that such p̄son or p̄sons soe offending, shalbe compelled to pay trebble damages to the party soe wronged or molested, and for every such offence shall also forfeit 20^s sterling in money or the value thereof, half thereof for the vse of the Lo: Proprietary, and his heires Lords and Proprietaries of this Province, and the other half for the vse of the party soe wronged or molested as aforesaid, Or if the p̄tie soe offending as aforesaid shall refuse or bee vnable to recompense the party soe wronged, or to satisfy such ffyne or forfeiture, then such Offender shalbe severely punished by publick whipping & imprisonm^t during the pleasure of the Lord Proprietary, or his Leivetenā^t or cheife Governor of this Province for the tyme being without baile or maineprise And bee it further alsoe Enacted by the

authority and consent aforesaid That the Sheriff or other Liber A
Officer or Officers from time to time to bee appointed &
authorized for that purpose, of the County Towne or precinct
where every particular offence in this p̄sent Act conteyned shall
happen at any time to bee cōmitted and wherevppon there is
hereby a fforfeiture ffyne or penalty imposed shall from time to
time distraine and seise the goods and estate of every such
p̄son soe offending as aforesaid against this p̄sent Act or any
p̄t thereof, and sell the same or any part thereof for the full
satisfaccōn of such forfeiture, ffine, or penalty as aforesaid,
Restoring vnto the p̄tie soe offending the Remainder or over-
plus of the said goods or estate after such satisfaccōn soe made
as aforesaid

The ffreemen haue assented. Tho: Hatton

Enacted by the Governor Willm Stone

An Act for punishm^t of such as shall counterfeit the Lo:
Prop^r or his heires Lords & Propr^s of this Province great Seale
of this Province

2 Confirmed ut sup^r Be it Enacted by the Lord Proprietary
of this Province by and with the consent of this Assembly
That what person or persons soever shall p^rsume to counterfeit
the great Seale of this Province for the time being or his Signe
Manuall or Seale at Armes of the Lo: Propr of this Province
or his heires Lords and Propr of this Province and make vse of
any such counterfeited Seale or Signe Manuall as if they were
the respective true Seale or Signe manuall of the said Lo: Propr
or his heires or shall steale any of the true Seales or without
lawfull warrant & authority derived from the Lo: Propr. or his
heires, Lords & Propr of this Province shall affix any of them
to any Deede Warrant or Writing and shall afterwards within
the Province publish or make any vse of any such deede war-
rant or writing as if such respective seales had beene affixed
thereunto by such lawfull warrant & authority as aforesaid
shalbe punished by losse of hand ymprisonm^t during life or by
the paines of death confiscacon of all his lands goods &
chattells within this Province any one or more of these as the
cheife Governor and Chancellor & Counsell of this Province
for the time being or any three of them whereof the said Gov-
ernor or Chauncellor to bee one shall thinke fitt.

The ffreemen haue assented Tho: Hatton

Enacted by the Governor Willm Stone

Liber A An Act concerning purchasing land from the Indians

3 Confirmed vt supra Whereas divers psons have heretofore purchased or accepted of lands or Tenem^{ts} in this Province from Indians and have made vse of and possessed the same without any lawfull title or authority derived from the Lord Proprietary neglecting alsoe to take out Grants from his Lopp p. 271 vnder his great Seale of this Province for such lands as have beene or are due vnto such pson or psons by vertue of his Lopps Condi^cōn of Plantacōn or other Warrant from his Lopp. W^{ch} proceedings are not onely very great Contempts and p^riudices to his Lopps dignity & rights but are also of such dangerous consequence if not timely p^rvented, That they may hereafter bring a great confusion in the governem^t and publike peace of this Province. Be it therefore Enacted by the Lo: Propr. with the assent & approbacōn of this Assembly That all purchases or adquisicōns whatsoever of any lands or Tenem^{ts} within this Province w^{ch} either already have beene or w^{ch} shall hereafter bee made from any person or psons whatsoever not deriving at the same time a lawfull title therevnto by from or vnder some Grant from time to tyme obteyned or to bee obteyned from his said Lopp or his heires Lords & Proprietaries of this Province vnder his or theire great Seale of this Province for the time being shalbe voide and null and it shalbe lawfull for the said Lord Proprietary & his heires to enter vpon seize possesse & dispose of any such lands or tenem^{ts} soe from time to time purchased or acquired from any Indian or or other as aforesaid at his or theire will and pleasure vnles such pson or psons soe purchasing or acquiring as aforesaid have some lawfull right or title to the said lands or tenem^{ts} soe purchased or acquired at the time of such purchase or adquisicōn by some Grant vnder the great Seale of this Province from his said Lopp or his heires Lords and Proprietaries of the same

The ffreemen have assented—Tho: Hatton

Enacted by the Governor—Willm Stone

An Act for the punishm^t of certaine offences ag^t the peace & safety of the Province

4 Confirmed vt supra All mutinous or sedicioues speeches practices or attempts (without force) tending to divert the obedience of the people from the right ho^{ble} Cecilius nowe Lord Baron of Baltemore, and Lord and Proprietary of this Province or his heires Lords & Proprietaries of the Province or the Gov-

ernor of or vnder him or them for the time being (and proved Liber A
by two sworne witnesses shalbe lyable to bee punished with
imprisonm^t during pleasure, not exceeding one whole yeare,
fine, banishm^t boaring of the Tongue, slitting the nose, cutting
of one or both Eares, whipping, branding with a redd hot Iron in
the hand or forehead, any one or more of these as the Provinciaall
Court shall thinke fitt. And all mutinous or rebellious speeches,
practises or attempts, with force, either against the person of
the Lord Proprietary now being or his heires Lords & Propr
of the Province, or of his or theire Governor of the Province
for the time being (in his or theire absence out of the Province)
or against any the fforts, dwelling house or Guards provided
for the safety of theire or any of theire psons, or for the pub-
lishing establishing or advanceing of any other right or title to
the Proprietie or dominion of this Province, then the right
and title of him the said Lord Baron of Baltemore or his
heires Lords and Proprietaries of the Province, and all Acces-
saries (afore such force, (and proved by two sufficient witnesses
as aforesaid) to such speech, practise or Attempt, shalbe lyable
to bee punished by losse of hand or by the paines of death
confiscacōn of all lands goods & chattells within the Province
banishm^t ymprisonm^t during life any one or more of these as
the Provinciaall Court shall adiudge. And all Accessaries (after)
to such speech practise or Attempt with force shalbe lyable to
bee punished in such manner as in that Clawse w^{ch} is provided
for mutinous speeches and practises without force

The ffreemen haue assented Tho: Hatton

Enacted by the Governor Willm Stone

An Act against ffugitives

5 Confirmed ut supra. Be it Enacted by the Lord Propr.
with the advise & consent of this Assembly That it shalbe
ffelony in any one that shalbe Accessary to any Apprentice ser-
vant that shall runne or convey himself or depart privily out
of the service of his or her M^r or dame And any servant soe
vnlawfully departing shall double the time of his or her unlaw-
full departure and absence to his or her said Master or dame
over & aboue the damages and costs (to bee adiudged by the
Court) w^{ch} shalbe susteyned by such unlawfull departure, where-
of iust prooffe shalbe made. And any one that shall transport
any hired Servant out of the Province shall pay double Costs
& damages to the partie greived for such servants absence out
of the Province. And such hired servant shall double the
time of such absence in service to his or her M^r or dame.

Liber A
P. 272 And every hired servant or Apprentice that shall absent himself out of the service of his or her M^r or dame, and during such absence shalbe resident within this Province shall double the time of such absence in service to his or her M^r or dame And every Inhabitant within this Province that shall knowingly harbour or entertaine such servant or Apprentice during such absence to the p^rjudice of his or her M^r or dame shall for soe doing bee fined or censured as the Governor & Counsell then p^rsent or other Judge shall thinke fitt. And every person & p^rsons that shall transport or carry away or cause to bee transported or carryed away any ffreeman out of this Province that is or shalbe indebted or ingaged here shalbe lyable to satisfy all such debts Ingagem^{ts} & damages to the person or persons to whom the same shalbe due respectively within this Province unles the same bee otherwise satisfied in convenient time or that in short time hee cause or procure such ffreeman to returne againe into this Province whereby hee may bee lyable to iustice here.

The ffreemen haue assented—Tho: Hatton

Enacted by the Governo^r Willm Stone

An Act touching Indians

6 Confirmed vt supra To the end that noe breach of peace may happen betwixt the neighboring Indians and the Inhabitants of this Province Be it enacted by the Lo: Propr with the advise & assent of this Assembly. That any one whosoever that shall take, entice, sarprize, transport or Cause to be transported out of this Province, and sell or dispose of any freind Indian or Indians whatsoever or endeavour or attempt soe to doe without Lycence from the Gov. for the time being, And all Accessories thereto shall suffer Death, but not forfeit their or any of their Estates Howbeit any one informing and Causing such offender or offenders to be apprehended shall haue satisfaccōn for his paines and diligence therein out of the said offenders Estate & Goods as the Governo^r and Counsell shall thinke fitt. And is is farther enacted by the authority aforesaid, that noe Inhabitant of this Province shall deliver any Gunne or Gunnes or Ammunicōn or other kind of martiall Armes, to any Indian borne of Indian Parentage, for the killing of meate or to any other vse, without spc^{all} Lycence from the Governor for the time being vppon paine of forfeiture to the Lo: Propr. one thousand pound of Tobacco in Caske and losse of the parties Gunne to him that shall make seisure thereof or take the same from such Indian or informe and make prooffe thereof. Andrewe

Ousamazinah being nowe servant to M^r ffenwick is hereby Liber A
excepted from this Lawe

The ffreemen haue assented Tho: Hatton

Enacted by the Governor. Willm Stone

An Act touching Hoggs & marking of Cattell

7 Confirmed vt supra Be it Enacted by the Lo: Propr with the advise & assent of this Assembly That whosoever shall steale wrongfully kill or carry away any marked swyne of another mans shall pay double the value of such swine to the true owner thereof, and 200^l of Tob. more to him that shall inform thereof, and 300^l of Tob. more for a ffine to the Lord Propr to be paid out of every such offenders Estate or goods and in case any one offending herein shall not bee found able to satisfie for such offence as aforesaid, such pson shalbe censured & punished as the Governor & Counsell then p^rsent in Court or other Judge shall thinke fitt. And whosoever shall knowe of any such Hogg or Hoggs stollen and shall not reaveale the same forthwith to the Constable of the Hundred where hee is residing shalbe censured and fined as the cheife offender aforesaid. And every one that shall kill any vnmarked swyne of aboue three monethes old (except vppon his owne land) in any part of his Lopps fforrests without speciall lycense from the Governor shall pay 100^l of Tob: to him that shall informe and make prooffe thereof over and aboue 200^l of Tob: for a ffine to the Lord Propr for every such Hogg to bee recovered as aforesaid. And all the Inhabitants of this Province are required by vertue of this Act to bring in their severall marks of Hoggs and other Cattell and cause them to bee recorded before Mich^{as} next, Vppon pill of such censure as the Governor and Counsell then p^rsent or other Judge shall thinke fitt.

The ffreemen haue assented Tho: Hatton

Enacted by the Governor Willm Stone

An Act for planting of Corne

8 Confirmed vt supra Be it Enacted by the Lo: Propr with the advise & assent of this Assembly, That every taxable pson planting Tob. shall plant and tend twoe Acres of Corne vppon pill of forfeiture to the Lo: Propr for every two Acres not soe planted and tended as aforesaid 200^l of Tob: and 50^l of Tob: for every half Acre that hee shall fall short of that pporcōn, Provided that any pson shewing iust and lawfull Cause why

Liber. A hee shall not plant and tend soe much Corne as is provided for
 P. 273 in this Act such pson shalbe releived herein according as the
 Governor and Counsell then p^rsent or other Judge in his or
 theire best discrecōn shall thinke fitt. And the Constable in
 every Hundred taking one other sufficient able man along with
 him shall viewe every mans Cropp and for his paines therein
 shalbe allowed and paid by every respective Offender against
 this p^rsent Act 50^l of Tob. for every Acre that he shall fall short
 of the proporcōn aforesaid respectively to be divided equally
 betwixt the said Constable and the pson soe assisting him as
 aforesaid

The ffreemen haue assented Tho: Hatton

Enacted by the Governor Willm Stone

An Act for the Support of the Lord Proprietary

9 Confirmed vt supra To the end his Lopp may the better
 pceive our good wills and intencōns in complyeing with his
 Lopp soe farr as the poore distracted condicōn can well beare
 and is yet capable of, And to the end also hee may bee the
 better encouraged, and enabled to protect vs in our lives,
 liberties, and estates. Be it Enacted by the Lo: Propr with the
 advise and consent of the ffreemen this in p^rsent Assembly That
 all Tobaccoes shipped vpon any Dutch Vessell and bounde for
 any other Port then his Ma^{ts} shall pay for a Custome to the Lo:
 Propr of this Province and his heires for these seaven yeares
 ensueing Tenne shillings in money or value, for every hogs-
 head or quantity of a hogshead shipped to bee transported
 out of the Province. And any one transporting or attempting
 to transport any Tobacco chargeable with Custome out of
 the province afore discharge had vnder the hand of the
 Governor or other Officer authorized in that behaulf, shall
 forfeit in kinde if it may bee seised or else in value, all the
 Tobacco soe attempted to be transported afore such discharge
 had Provided that the one half thereof bee yearly ymployed
 towards the satisfaccon of all iust arreares and claymes touch-
 ing the late recovery & defence of the Province as shalbe
 brought into the Secretaries Office and made appeare due
 before the last of March next vntill they bee fully discharged.
 And it is further Enacted by the authority aforesaid, that there
 shalbe raised by an Assessm^t made vppon all the Inhitants of this
 Province for the vse of the Lord Proprietary in consideracon of
 of his Lopps former stock of Cattell distributed and disposed
 of towards the defence and p^rservacōn of the Province sixteene
 Cowes and a Bull within these twoe yeares. Provided that his
 Lopp shall ratify and confirme vnder his hand and seale this next

yeare such disposicōn as is already made of the foresaid stock and other Estate here towards Satisfaccōn of the Souldier and other charges for the late defence and recovery of the Province as aforesaid. Liber A

The ffreemen haue assented Tho: Hatton

Enacted by the Governor Willm Stone

10 An Order touching the Lo: Propr stock of Cattell and other Estate within this Province

Confirmed by Whereas his Lopp is informed that hee
his Lops declaracōn hath suffered many and great Iniuries &
6th of August losses in the disposal of his stock of
1650 Cattell and other his Lopps Estate within
Philip Calvert this Province, W^{ch} said stock of Cattell
with other his Lopps Estate was ingaged by Leonard Calvert
Esq^r his Lopp^s late Governor here before his death to divers
Souldiers here for their pay for their service in the defence
and safety of his Lopps Province, and since delivered accord-
ing to the said late Governors Ingagem^t aforesaid Notwith-
standing w^{ch} this Assembly being desireous to give his Lopp
all ho^{ble} satisfaccōn herein It is ordered by the authority of
this p^rsent Assembly that noe Inhabitant of this Province shall
alienate, transport or Cause to bee transported out of S^t Maries
or Kent Counties or shall alter the property of any cattell or
other Estate w^{ch} they are now possēd of and w^{ch} belonged to
his Lopps Estate at or since the death of the said Leonard
Calvert, but shall preserve the same with their whole Increase,
in their custody & pōssion vntill the last day of March next, or
vntill his Lopps pleasure bee further knowne herein vppon
payne of forfeiture to the Lord Proprietary of double the value
of such cattell or other goods soe to bee transported, alienated
or altered as aforesaid.

The ffreemen haue assented Tho: Hatton

The Governo^r hath assented Willm Stone

11 An Order of Assembly for the defence of the Province as the p^rsent times will p^rmitt

Expired. For the more safety and better securing of this Province against the Indian Enemy this present yeare It is ordered by the authority of this p^rsent generall Assembly That through the whole Province it shalbe lawfull for the ffreemen in every Hundred to assemble themselves together at some place to bee nominated within their Hundred by such Commander

Liber A or other officer in each hundred as shalbe nominated, appointed and authorized by the Governor for the time being with Comission for that purpose, on the three last dayes of the monethes
 p. 274 of Aprill, May, June, July, August and September next followeing and then and there by the maior voice of the ffreemen p^rsent to propose and conclude of such orders & ordinances as they shall Judg meete & necessary for the defence of each p^rticular hundred for the moneth next followeing, And the Orders and ordinances soe concluded vppon by the ffreemen then p^rsent and assembled as aforesaid, the Commander or other Officer shall see them put in execucōn. Provided that if any one suffers losse in houseing or other goods or chattells, by meanes of any such order or obeying such order as shalbe p^rscribed and concluded vppon at such meeting, that it shalbe made good by Leavy to bee made vppon the Hundred by the Sheriffe w^{ch} Leavy shalbe assessed by three able p^rsons to bee chosen by the Governor for the time being for that purpose out of some other hundred, and not out of that hundred wherein such reparacōn is to bee made. And because it is generally thought fitt that the best and speediest p^rservacōn of the Province may bee by way of Rounding. It is Ordered by the authority aforesaid. That five gunns or more shalbe taken from such Rounders for a generall and true Allarm to all the Inhabitants through the whole Province. And three Gunnes or more from any Inhabitants shalbe taken for a true Allarm in like manner. And every Maister of a house or ffamily neglecting with three Gunns to answeere such Allarm (after prooffe made that hee heard the same) shalbe fined to the Lo: Propr. 100^t of Tob: and Cask for every such neglect and offence. And any one causing or making a fals Allarm vppon iust prooffe made shalbe fined to the Lo: Prop for every such Offence 100^t of casked Tob: as aforesaid. And it is further ordered that noe Inhabitant able to beare Armes shall goe out of the Limitts of the plantacōn where hee is vsually resident either to Church or vppon any other occasion whatsoever without his Armes well fixed and a sufficient quantity of powder and shott about him And every Offender herein shall for every such Offence bee punished as the Commander of that Hundred where such Offence shall happen to bee committed shall in his discrecōn thinke fitt the nature of the offence considered not extending to life or member And it is also further ordered that every Maister of a ffamily shall provide for himself sufficient Armes & Amunicōn and for every hired servant or other Sojourner also residing and dwelling in his house this yeare viz: one fixed Gunne 2^t of powder and eight pound of shott p head. W^{ch} Gunne and Amunicōn by vertue of this order every such Maister as aforesaid may bring the same to

Accompt and recover the same vpon every such Sojourner, if hee bee not already provided therewith, And if hired Servant every such Maister may accompt or deduct the same out of the Wages of every such hired Servant, if hee bee not already provided therewith as aforesaid. And every Maister of a ffamily that shalbe found defective herein shalbe punished according to the discrecōn of the Co mānder of that hundred where such M^r of a ffamily dwelleth, and as the nature of the Offence shall require not extending to life or member.

The ffreemen haue assented Tho: Hatton

Concurred by the Governor Willm Stone.

12 An Order providing for the Smith

Expired. Whereas there is an vrgent and pressing necessity as the p^rsent times require in all the Inhabitants of this Province to have their Armes ready and well fixed vpon all occasions and accidents which may vnexpectedly happen. W^{ch} will not bee effected with that willingness and soe speedily as is required, vnles the Smith shalbe in some meanes assured of his pay. It is therefore ordered by the authority of this p^rsent generall Assembly (for his better encouragem^t in that kinde, and to the end hee may doe all such Armes well and affoord his labour at reasonable rates) That the Smith shall take Specialty of all his Credditors W^{ch} appearing in the Secretaries Office, vpon denyall of paym^t hee shall haue Execucōn granted him therevpon at such time as the Specialty shall bee due and Tobacco payable, for all such Armes soe fixed onely Without further trouble or Judgm^t

The ffreemen haue assented—Tho: Hatton

The Governor hath assented. Willm Stone

PROCEEDINGS AND ACTS
OF THE
GENERAL ASSEMBLY
OF MARYLAND,

At a session held at St. Mary's, April 6—29, 1650.

CECILIUS CALVERT, LORD BALTIMORE,
Proprietary.

WILLIAM STONE,
Governor.

By the Lif^t &c: of Mary-Land

Proclamcōn

Liber A
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Whereas the manner of summoning Assemblies wthin this Province is wholly left to the L^d Prop^{rs} discretion, These are therefore in his L^{ps} name & according to his direction to will & requyre yo^w wthout delay to giue Notice to all the ffreemen of S^t Maries County th^t they are to appeare psonally att S^t Maries the 2^d day of Aprill next or ells by their proxies or Delegates, soe as noe one ffreeman soe appearing haue aboue 2 proxies, besides his owne voyce, Or that forthwth after such notice, the ffreemen of every hund^d wthin the s^d County make choyce of Burgesses wthin every such hund^d in manner following, Viz. That all the ffreemen of S^t Clem^{ts} hund^d or the maior part of them, make choyce of one of the ffreemen of the s^d hund^d for their Burgesse. That all the ffreemen of Newtowne hund^d or the maior part of them choose 2 or 3 of the ffreemen of th^t hund^d for their Burgesses. That all the freemen of S^t Georges hund^d or the maior part of them choose one or two of the ffreemen of th^t hund^d for their Burgesse or Burgesses. That all the ffreemen of S^t Maries. hund^d or the maior part of them choose one of the ffreemen of th^t hund^d for their Burgesse. That all the ffreemen of S^t Inigos hund^d or the maior part of them choose one or two of the ffreemen of th^t hund^d for their Burgesse or Burgesses. And th^t all the ffreemen of S^t Michaëlls hund^d or the maior part of them make choyce of one or two of the ffreemen of th^t hund^d for their Burgesse or Burgesses, who are to assemble themselves at the time and place afores^d to aduise & consult wth the rest of the Assembly then & there to meete about the weighty affayres, and for the publique Good of this province. Provided th^t the ffreemen of euery of the s^d hund^d or the maior part of them respectiuely doe agree together, in one of the two wayes of Assembling themselves last mentioned. Or otherwise they are all of them hereby requyred to appeare psonally (& not by their Proxies, or Delegates, or Burgesses) att the time & place, & for the purpose before expressed.

Whereof yo^w are to give them pticular notice, And herein yo^w are not to fayle at yo^{re} perill, As allso to make returne hereof att the time & place afores^d Gyuen att S^t Maries this 24th Day of January Año Dm̄ 1649^o

Will^m Stone.

There being not this Day any summons returned from the County of the Ile of Kent, or any appearance of the ffreemen or Burgesses eyther of that County, or of th^t part of the province now called Providence, The Gou^r adiornd the house till friday next, being the fift day of this present month. Gyuing order for drawing the Act and Orders for setling the house

Liber A

April 6^o 1650 Sabbath

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The Burgesses assembled haue nominated & chosen m^r Will^m Bretton Clarke of the howse, who called the Burgesses by their Severall names as followeth viz.

S^t maries { M^r Phillip Laud
 { M^r ffran: Brooks.

S^t Inegos M^r Tho: Mathews.

S^t Michaëlls { M^r Tho: Sherman.
 { M^r George Manners

S^t Georges { M^r John Hatch
 { M^r Walter Beane

N. Towne { M^r Will^m Brough
 { M^r John Medley
 { M^r Rob^t Robins

S^t Clem^{ts} M^r ffrancis Poesey Kent. Cap^t Rob^t Vaughan.

Providence { M^r James Coxe
 { M^r George Puddingtoⁿ

All assembled except M^r Mathews, M^r Hatch & M^r Beane.

The Burgesses present being sett & the howse called, have chosen M^r James Coxe Speaker of the howse who tooke his place accordingly.

Vppon the motion & desyre of the Burgesses this day assembled, the Gou^r appoynted m^r Secretary to draw 2 seuerall oaths one for the Burgesses, & the other for the Clarke w^{ch} was done & being as followeth Viz.

Oath Burges. I. A. B. do sweare that I will faithfully & truly, according to my hart & conscience to the best of my understanding & ability, wthout fauo^r affection or selfe ends. aduise, consult, & give my vote to all Bill and other matters wherein my aduise or uote shall bee requyred during this Assembly. Wherein my cheife end & ayme shall bee the glory of God in my endeauo^{rs} for the aduancem^t & promoting of the L^d Prop^{rs} iust rights & priueledges, & the publique Good of this province. And will all so keepe Secrett during this Assembly all such matters & things, as shall bee acted, debated

Liber A or consulted of in both or eyther howses of this present Assembly wherein secrecy shall bee requyred or bee requisite soe farr as I may, & will not wittingly or willingly publish, divulge, or speake of the same to any p^rson or p^rsons whatsoever, being noe member of one of the s^d howses of Assembly. Soe helpe mee God &c.

Clks. oath I. A. B doe sweare th^t I will faythfully & truly, to the best of my ability & understanding during this Assembly performe & exequite the place or office of Clarke of the lower howse of the said Assembly in all things belonging to that imploy^m^t soe far as it shall please the Gou^r to continew mee therein. And I will true entry make & keepe of all such Acts, Orders, Journalls, & other things belonging to th^t office soe far as I may. And will allso keepe secrett during this Assembly &c:/ vt Supra in Burges. oath.

w^{ch} s^d seuerall oaths was administred by m^r Secretary to the Clarke & Burgesses there present no one contradicting.

His L^{ps} declaracōn was read by the Secretary & Condi^cōns of the Plantaōn published.

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C: Baltemore

Cæcilius absolute Lord, and Proprietary of Maryland and Avalon Lord Barron of Baltemore &c. To our Trusty and welbeloved William Stone Esq. our Lieutennant of our said Province of Maryland. To those of our Councell there, And to the Gennerall Assembly of ffreemen of our said Province, and To all others whom it may concerne Greeting &c. Whereas Wee sent a body of lawes thither the last yeare by our Secretary Thomas Hatton under our hand and Greater Seale at armes conteinning sixteene in Number, to be proposed by you our said Lieutennant to the Assembly there for their consent therevnto, Together with a Commission therevnto annexed Signed also by vs and affixed to the same seale, and bearing date the twelfth of August one thousand Six hundred fforty Eight whereby among other things Wee declared our Assent to the said Lawes, vpon such Conditions as were expressed in the said Commission, which lawes were and are soe iust and reasonable as that vpon due consideration they ought to be well liked of by well affected men, according as you our said Lieut. after your receipt of them vpon good reason affirmed to vs by your Letter dated the twentieth of ffebruary last. Nevertheless it seems through some misunderstanding the Gennerall Assembly there at a Sessions thereof houlden at Saint Maries in April last were unwilling at that tyme to Consent to the Enacting of them All, As Lawes there, which

unwillingness in most of the said Assembly, was occasioned chiefly (as Wee are informed, and have too much Cause to believe) by the subtile Suggestions of some who ought rather to have assisted in promoting all fitting meanes of preserving a good Correspondence rather then to raise, or cherish any Jellousies or discontents betweene vs, and the People there. But in regard the chiefest pretended Exceptions against those lawes were (as wee are informed) conteyned in the Act of Recognition of our Charter of the said Province from the late King of England and in that other for the Oath of fidellity to vs, wherein it seemes the words Absolute Lord and Proprietary (which Tytle is the same that is given vs by the said Charter, and the words Royall Jurisdiccōn are stumbled at, by some there who seeme to doubt that the former words should inferre a Slavery in the people there to us, and the later Words exceed the power intended to vs by the said Charter Wee thought fitt hereby to declare, that as the former words importe noe such Odious and Sinister interpretation, Soe wee call God to Wittness) wee neither had nor haue any intention to inslaue the People there by them, or any other way whatsoever But indeede the Lawes themselves doe sufficiently clere our intentions herein to all Wellmeaneing men if they be well considered. ffor the Act of Recognition, and also the said oath of ffidellity haue both relation to our said Charter which provided that All Lawes shall be made by Vs, and our Heires there with the Consent of the ffreemen of our said Province or their Deputies, or the Maior parte of them, And by severall other Acts contained in the said Body of lawes there is Provision made for freedome of Conscience for freedome of Taxes, but such as shalbe laid with the Assemblies Consent; for freedome from Martiall lawe, but onely in tyme of Campe or Garrison, and within such Campe or Garrison; ffor freedom of being Compelled in any kind to Contribute to any warr, out of our said Province without the Consent of the Assembly; ffor ffreedome of Trade with the Natiues vpon reasonable Conditions tending more to publick good, and tranquillity, then to our owne advantage. How therefore under such Essentiall Provisions of Safety and freedome, any reasonable People vpon mature Consideration can haue any iust occasion of Jellousies of being enslaved, Wee nor Certainly any well-disposed Person can imagine. As to those other words of Royall Jurisdiction, Wee doe hereby declare that it is intended by our said charter that wee should haue all such Jurisdiction there as the Bishops of Durham at any tyme heretofore ever had, Excersied, or enioyed, or might haue had Exercised, or enioyed in Temporalls within the Bishoprick or County Pallatine of Durham in the Kingdome of England, And Wee are well satisfied by learned

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Councell here, and Such as are best read in Antiquities That the Bishops of Durham before Henry the Seventh his tyme heretofore King of England Had and did Exercise all Royall Jurisdiction within the said Bishopricks or County Pallatine, though of later Yeares their Jurisdiction was much diminished by an Act of Parliament made in the tyme of the said King Henry, And this Wee thought fitt to signify vnto you, for your better satisfaction herein, But truely the Scruples and exceptions aforesaid are soe weakely grounded That although wee are confident that most of the Assembly (through want of due consideration, or vnderstanding of the true reasons of those who suggested those Scruples vnto them, and not out of any Evvell intention towards vs, did for the present waue their Consent vnto all the said lawes sent by vs. Yet it is clere to all vnderstanding Men that those Suggesters had other Secrett reasons why they opposed those lawes, then those pretended ones on the Peoples behalfe, and such as tended to the preiudice of our Just Rights there, which they thought not fitt publickly to avowe least the Gennerallity of the People there out of their loyall affection and fidellity to vs, should dislike them, and obstr their sinister designes therein, ffor it is well know there that some haue heretofore acquired great Proportions of land in that Province from the Indians and have possessed them without our Consent, or a Grant from vs. And have presumed to dispute their pretended Tytles therevnto even with vs, and our Right, making a question what Right the King of England had to grant any thing there, And no doubt if they had had power would have maintained it by force against vs, But wanting that for the present, they haue, and doe still it seemes Endeavour to obstruct any thing which may tend to the manisfestation, strengthning or publick acknowledgm^t of our Right to the land, and dominion of that Province, hoping perhaps hereafter, if they can by maintaineing Jellousies betweene vs, and the people there exasperat either side to any Violent proceedings, one against the other, that then in all probabillity, a Great division and ffaction among the People themselves will followe, in wh^{ch} confusion they may hope to mould a party fitt for their tournes to reviuue their ould pretended Right from the Natiues to those, and perhapps divers other lands, privately acquired in the same manner. And soe in pursuite of that designe of making themselves Lords and Masters of the Province, adventure the ruine of all the People there, by Civill warrs among themselves, Although it be most probable, if this great danger be not tymely prevented, as well as foreseene they themselves who pursue such a wicked designe are like in the first place to perish in it. By wofull experience it hath bene found in divers nations that noe one thing hath soe certainly

betrayed the People into true Slavery indeede, as the Deceiptfull Suggestions of Subtile Matchiavilians pretending Religion, and an extraordinary care of the Peoples liberty, and still possessing them wth feares and Jellousies of Slavery thereby to alienate their affections from the present Government ffor as the Common way to Atheisme is by a pretended reformation in matters of Religion Soe the direct Roade to bondage is vsually found in specious pretences of Preservation of Liberty. Wee Knowe full well our Right to that Province doth not stand in neede of any Confirmation thereof by Act of Assembly there, for our Charter above mentioned, and our deare purchase of our Right to that Province, by the expense of great sumes of money with much sollicitude and travaile, (whereby that Collony was first begun and preserved) entitles vs sufficiently therevnto, But wee have Great Reason to wonder that any well affected person there, not seduced by Euiell Councell should be backward in concurring to a publick Act of Recognition of our Rights there. And Wee cannott thinke any worthy of enioying ought there vnder vs, who shall vpon due Consideration what hee doth, deny soe to doe, nor indeede can it easily be belieued, that any Intelligent person that hold any thing vnder vs there should be soe blind, as not to endeavour by all the meanes they can to advance and streingthen our Honnor Rights, and Intrests there, wherevpon, (and vpon it onely) their perticuler intrests and Rights in their Lands and Priviledges in that province doe solely and with most Certainty depend. Wherefore vpon better Consideration Wee presume the Assembly there will make noe further Scruple of Consenting to all the said Lawes as wee sent them the last yeare thither, but rather desire vs to accept of their Consent therevnto for truely those lawes (if well considered) are more necessary for the Peoples good, and the publick there then for our perticular intrest. Wee doe therefore hereby againe Declare our Assent to the said Body of Lawes conteyning Sixteene in number above mentioned, And doe hereby authorize our Lieutennant of the said Province for the tyme being in our Name to Enact them alltogether as Lawes in the said Province in case the Assembly there, or the Maior part therof shall consent therevnto within one yeare after the date hereof. And whereas divers lawes were in our Name Enacted by our Deare brother Leonard Calvert Esquier deceased our late Lieutenant there at a Gennerall Assembly held by him at St Ingoes Fort on the second of January one thousand Six hundred fforty Six, (As appeares vpon Record vnder the hand of John Lewger our late Secretary there) which lawes were protested against by An Assembly held after his death, on the twenty Seventh of January one thousand Six hundred fforty Seven, as conceiving them not lawfully Enacted.

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ffor that the said Assembly in January 1646 was Sumōned at first by Captaine Edwa Hill, who was onely our pretended Lieutennant the said Province, but never lawfully authorized by from or vnder vs, And that in regard our said Brother vpon his reassuming the said Government continued the said Assembly without issuing any new Sumōns for Election of another, Therefore as Wee vnderstand the said Members of the Assembly in January one thousand Six hundred fforty Seven declared and protested against the Acts of the other in January 1646 as illegall, wherevpon Thomas Greene Esquier our Lieutennant there then for the tyme being did vpon good and lawfull grounds, and according to the duty of his place protest against the said Protestors and the Protest therein, and Declare As Wee hereby also doe that the said Assembly in one thousand Six hundred fforty Six was lawfully continued by our said brother, And all Acts therein assented vnto by the said Assembly, and in our name Enacted by our said brother were and are Lawes of the said Province, as fully to all effects in lawe, till wee or our heires shall signify our disassents therevnto as any lawes heretofore in the said province have or ought to have bene. ffor although the first Sumōns were issued by one who was not our Lawfull Lieutennt there, yet being afterwards approved of by one that was, it is all one, as to the proceedings afterwards as if at first they had issued from a lawfull Governor. ffor our Charter of the said Province gives vs power to Assemble the ffreemen thereof or their deputies in such manner and at such tymes, as wee shall thinke fitt, and neither it nor any lawe of the said Province doth oblige vs, or our Lieutnt there to any perticular forme or Circumstance of Sumōning the ffreemen to any Assembly: If the ffreemen of themselues without any Sumōns at all should assemble themselues or elect certaine persons to be their deputies in a Gennerall Assembly, and send them to the Governor there for that purpose. Although this were a very illegall proceeding, and would perhaps deserve exemplary punishment, yet Certainly if a lawfull Governor shall afterwards allow thereof and shall accordingly proceede to the Enacting of lawes with their Consent such lawes would be in as much force & as binding to the people (and soe in all reason ought to be) as if the Elections had bene made by a Sumōns from a lawfull Governor. Any Act made by an vn-lawfull power, if it be afterwards approved of by a lawfull authority that hath power to doe it (as in the Case aforesaid) it becomes thereby lawfull, Wherefore those pretended Exceptions against the legallity of those lawes enacted by our said Brother in our name by and with the Consent of the said Assembly in January one thousand Six hundred fforty Six are meere Cavills, and serue onely to breede factions and divisions

among the people there which no doubt was secretly intended by some there that first raised them, But God I hope will open the Eyes of all honest, and well meaning Members of that Colonie. And in due tyme bring the truth of all those subtile Machinations to light, to the shame and Confusion of those, who hope by such waies to disturbe the publick peace, and happiness of that Colony, vnder our Right of Government, And will disappoint them of their Sinister and wicked designes therein. In pursuance of the same designes, a factious remonstrance of pretended Aggrievances of that Province, was drawne by M^r Gyles Brent & som others seduced by him (as wee are informed) and presented to a Gennerall Assembly there, held at S^t Johns in or about the fowrth of March one thousand Six hundred fforty Seven, which by the subtile practises of him, and some others there, was approved of by the then Members of that Assembly, not well considering what they did therein, but not approved of by the said Thomas Greene, then our Lieutennant there. Wee doe therefore hereby Protest against the said Remonstrance as Seditious and apparantly vniust, and tending to deprive vs of diuers Essentiall parts of our vndoubted Jurisdiction, and Rights in that Province. And Wee doe also hereby Protest against and declare our Disassent, as well vnto the Preamble, as to the first part of an Act then passed in the said Assembly, and assented vnto by the said Thomas Greene, entituled thus. For the Defraying of the Soldyors wages, wherein vpon false surmises and contrary to all Justice, as well as in Great neg of our Priuiledges and Rights they presumed to dispose of our personall Estate there without o Consent. And to the third parte of the said Act titled Thus, Touching Levyes and Judgments which pretends in one Clause thereof a Nulli of the lawes made in the aforesaid Assembly at S^t Inigoe's the Second of January, one thousand Six hundred fforty Six, and stiles it a Pretended Genner Assembly. And also to the fowrth and fift parts of the said Act concearning Officers ffees, and an oath of Fidellity, which also stiles the said Assembly a pretended Gennerall Assembly. And whereas wee received a Letter from the Assembly there to vs, dated the one and twentieth of Aprill last, wherein they express a great desire of a good vnderstanding betweene vs, and the People there which wee take very kindly from them, for wee doe as Earnestly desire the same, as they will find by our compliance with them in this our declaration if they doe also on their parts really comply with vs in the like manner, But truely in their desire that wee would ratify p. 12 and confirme vnder our hand and Seale such Disposition as hath bene made since the death of our said Brother of our

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Stock of Cattle and other personall Estate there (although don without any legall authority, or warrant from vs) and seeming much to wonder that wee should expect to recover any of them wee have much more reason Certainly to wonder that any reasonable men should thinke fitt, That wee should be less Master of our owne then the meanest Planter there for Certainly not any one who subscribed that letter, but would thinke it a great wrong don vnto him, if an Attorney should (vpon any pretence of authority whatsoever be made without his Consent or Warrant to dispose of his Estate, And then after it were soe disposed, would hee not thinke it a Strange request in any man to desire him also to confirme it wthout a considerable satisfaction. And yet thus are wee vsed ffor our said Brother had noe power to dispose of any of our personall Estate there without the consent of our said late Secretary John Lewgar, And whereas it is alleaged in the said letter that the said Lewger did ioyne with him in the Engagement of our said Stock of Cattle for the payment of Soldyors, it is much mistaken, for himselfe denyed it to vs here, and noe Evidence or prooffe of any such thing, ever appeared there, nor was any such thing ever pretended (before the said Letter) in the many debates there since our said brothers death concerning that buisness, as appeared by the relations and accompt sent vs, the last yeare by M^r Thomas Greene and others of the proceedings thereof, And this iniustice to vs was also much aggravated by the reiection of the payment of those Customes due vnto vs vpon all Tobacco exported from thence, which was settled by consent of the said Assembly, in January one thousand Six hundred fforty Six, for the better enabling vs to defend the Province at that tyme when it is pretended that our said brother did engage our Stock and personall Estate there for the payment of the said Soldyors. Soe as although our said brother had had power to dispose of our psonall Estate there, and accordingly had don it, yet Certainly it must be supposed that hee did it vpon confidence of making vp againe out of the Customes what should be disbursed out of our Estate for that purpose as in iustice hee ought to haue don, but that after his death not onely a Pretence of an illegall ingagement of his should be made vse of to despoile vs of all our personall Estate therin, But also that the said Custome which was appointed by Gennerall consent for the defraying of publick charges should also be debarrd vs, and the publick Charges notwithstanding be putt vpon vs is hardly to be believed that any People well considering what they did should thinke fitt to desire or expect that Wee should allow of it, much less presume to putt in execution soe great a Piece of Iniustice towards vs, The Assembly in their said Letter writt that they wonder wee

should thinke it fitt that those who had bene faithfull to vs, and don good Service in the Recovery, and Preservation of that Province vnder our obedience should be deprived by lawe of their iust dues truely therein, they confirme what they afterwards also write in the same letter (videlicet) that they understood not the said Sixteene Lawes for if they had, and well considered them they would haue found in them a speciall provision made for satisfaction of all those who had served, and bene faithfull to vs, in the said late troubles there by an Equall Assessment vpon all the Inhabitants of that Province, which is the iustest and vsuall way in all Civill Kingdomes and Commonwealths for defraying of publick charges. It was never yet heard of, in any other Christian Countrey, but there, that vpon any occasion of forreigne or domestick warr a People should Soe unreasonable as to expect that the Prince State should beare the charge thereof out of their owne privat and pticular fortunes which would putt them into a farr worse condition then the meanest Subiect, because farr more lyable to destruction then any other, whereas the Preservation of their Estates and persons ought to be in the first place provided for, and the last that should suffer any preiudice when there were no other remedy, left, But not vsed as wee have bene in the first place vndon. And such of the Assembly as were Soldyors neede not wonder as they doe in their said letter that Wee should thinke it fitt that a Levy should be made vpon themselves to pay themselves ffor in all other Countreys as by Experience is seene now in England) where any Officers or Soldyors have any Estate of their owne, their proportionable part of all Taxes raised for publick defence or other Charges is as iustly due from them out of their Estates to the Prince or State of every such Commonwealth, as any perticuler Soldyors pay is due to him, for it is as naturall and iust that all People should contribute proportionably to their owne defence, as it is for any Prince or State to defend and protect them, Wherefore the Assembly there may cease to wonder, as they also doe in the said letter that such exactions should be required, and made vpon a People who had bene loyall and faithfull to vs, and as they alleage had conquered that place for vs for which wee haue paid as appeares full dearely. Wee are well Satisfied that many there deserved very well of vs, and truely; as wee haue bene sollicitous to find out who they were. Soe we shall not be vnmindfull of them vpon all occasions to their advantage of honnor and proffitt as God shall enable vs in that place. But it is possible and too often seene that many persons who haue by some actions very well deserved of others, haue afterwards by other Actions quite drowned, and deservedly lost the meritt of the former, In which Case Certainly

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there is noe obligation in honnor or Justice to reward, but rather to punish such who should in soe high a measure misdemean themselves afterwards to the same person, of whom they had soe well merited before, as to contribut to his destruction. ffor a Notorious Iniury from a professed freind is much more to be resented then from an Enemy. Nevertheless that the People there may see and be fully satisfied that wee preferr their Welfare before our owne particular advantage, and that wee are vnwilling to dissent to any of the proceedings of the General Assemblies there, But such onely as necessitate vs soe to doe, for the Vindication of our honnor and iust rights, which in truth tends to the preservation of theirs, as depending vpon ours. Wee doe hereby declare that when the said body of lawes above mentioned containeing Sixteene in number, and
p. 15 sent by vs thither the last yeare shalbe

them respectively vnder our or their hand and Seale at Armes, and noe longer. And in Case the said Sixteene lawes aboue mentioned shalbe consented vnto by a Gennerall Assembly, and Enacted as lawes there, within the tyme limited as aforesaid: then and not otherwise wee shalbe willing for the Ease of the People there, to allowe the one halfe yearely of the Customes due vnto vs, for the future for Tobacco laden aboard any dutch Ship there, towards the satisfying of all such iust arreares and claimes touching the late Recovery and Defence of that province, as shalbe brought into our Secretarys office there, and made appeare due before the last day of March next vntill they be fully discharged Provided that the said Stock of Neate Cattle (viz^t) Sixteene Cowes and a Bull, be raised and delivered to the Commissioners of our Thresury there, for our Vse according to the tennor and purport of the aforesaid Act Entituled, An Act for the Support of the Lord Proprietary and passed there in the aforesaid Assembly at Saint Maryes the one and twentieth of Aprill last. There is one thing more which is desired of vs in the said letter of the Assembly to vs dated the one and twentieth of Aprill last concerning William Tompson, whom they (it seemes) conceive was faithfull to vs, and our said brother in those late troubles raised there by that vngrateful Villaine Richard Ingle, although wee were formed otherwise by some Credible persons were Eywitnesses of all the Passages of that buisness, and did assure vs, that the said William Tompson was the onely Roman Catholick that tooke the then Rebells oath against vs. And that hee gaue a third parte of his Cattle to the said Rebells for the maintenance of that Rebellion against our Right and Government there, which wee had some reason to give Credit to, for wee could not easily believe that some of

those persons who by the duty of their place and trust there lately vnder vs ought to haue informed vs, of the truth of the Passages of that buisness would either abuse vs, or wrong the said William Tompson, or anyone else by a false Information especially of such things as were publick there the truth whereof could not be vnknowne to many others in that Place. Nevertheless in Regard the said Assembly there haue given so good a testimony on the said Tomsons behalfe wee are now willing to belieue that there may haue bene some mistake in the said Information concerning the said Tomson, or if the said Tomson did any such things as wee were informed of him, that they proceeded from ignorance or inadvertence, and not out of any mallice or ill affection in him to vs. Wherefore in Compliance with the desire of the said Assembly, and in confidence that the said Tomson by his future Comportment wilbe more carefull to merritt our good opinion of him, in Justificacōn of the said Assemblies recommendation wee are willing to forgett what is past and show such favor to him, as his loyalty and fidelitty to vs hereafter shall deserve. Mr Abraham Janson a Dutchman as wee vnderstand exported this yeare a Good quantity of Tobacco out of Maryland, and ought to have paid tenn shillings per hogshed as Custome due to vs yt. But Contrary to his Agreement & promise to the said Thomas Greene, our then Lieutennant there, (as wee are informed) did not pay the same to our Officers there for our Vse, Therefore wee doe hereby require you our present Lieutennant there to examin the truth hereof, and in Case you find that the said Janson hath not paid the said Custome, as hee ought to have don then to cause right to be done vnto vs therein, vpon such debts or Estate, as you shall find belonging vnto the said Janson within our said Province, or by compelling him to pay the same, if hee come againe thither. And whereas there are Divers Cattle as wee are informed in our said Province, vnto which none can lay any Certaine clayme, ffrom whence som questions there haue arrissen (as we vnderstand) vnto whom in that Case they ought to belong. Wee doe hereby declare that all such Cattle doe of right belong vnto vs, as Lord of the province, vnless such Cattle be found at such tyme as they are taken vpon some Mannor belonging to some other person who by Grant from vs, have (among other Royalties, and priuiledges belonging to their respective Mannors) all waiffes and Strayes granted vnto them respectively by vs, And this is soe Evident in all lawe and Reason that wee conceive vpon due Consideration thereof, No Rationall man can make doubt of our Right herein. And now, as wee have by our Concurrence in soe many pticulars aboue mentioned for the Ease and advantage of the people there given sufficient Testimony as wee conceive

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U. H. of our sincere affection to them, and reall desire to promote
 Journal by all the fitting meanes that may be, their happiness and wel-
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 wee shall take to harte, and be ready to Concurr with them in
 any iust, and reasonable desire from them for the publick good
 of that Collony, and apply our authority there from tyme to
 tyme to relieve them, in any vniust Grievance or oppression
 vpon notice or Complaint thereof vnto vs. And wee now hope
 that the Inhabitants there will vnite themselves in their affec-
 tion and fidellity to vs, And as well avoide all ffactions, and
 divisions among themselves, as all such Cavilling persons and
 Councells as shall vnder what specious pretences soever, excite
 or tend to the division of the People there in their compliance
 with vs in all reasonable things. And in their Vnanimous, and
 cheerfull obedience to the Civill Government established there
 vnder vs, That as wee are all members of one Body Politique
 of that Province wee may haue also one minde in all Civill and
 temporall matters concerning that place, which is the most
 hopefull way of drawing downe Gods blessing vpon
 Endeavours who loveth Vnity, and therefore comānds vs, to loue
 one another: Christian Religion soe to doe for the
 accomplishment of Eternal happiness and human pollity also
 adviseth it our temporall felicity in this World. It being
 a Certaine and true Maxime which tells vs, that Concordia
 res parvæ Crescunt Discordia maxime di[la] buntur By Concord
 and Vnion a small Collony may growe into a great and re-
 nowned Nation, whereas by Experience it is found, that by
 discord and Dissention Great and glorious kingdomes and
 Common Wealths decline, and come to nothing.

Given at London vnder our hand and Greater Seale at
 Armes the Six and twentieth day of August in the Eighteenth
 yeare of our dominion over the said Province of Maryland
 Annoq Domini one thousand Six hundred fforty Nyne.

Liber A Was read the Act for settling the howse of Assembly by 2
 P. 363 distinct howses. & Orders for regulateing thereof, w^{ch} were
 vnanimously agreed unto, Signed & confirmed by the Gou^r

An Act for the settling of this present Assembly

Bee it Enacted by the Lord Prop^r wth the aduise & consent
 of the Counsell & Burgesses of this prouince now assembled.
 That this p^rnt assembly during the continuance thereof bee
 held by way of Vpper & Lower howse to sitt in two distinct
 roomes a part, for the more convenient dispatch of the busi-
 nes therein to bee consulted of. And th^t the Gou^r & Secretary,

or any one or more of the Counsell for the Vpper howse. Liber A
 And m^r John Hatch m^r Walter Beane m^r John Medley, m^r
 Will^m Brough, m^r Rob^t Robins, m^r ffrancis Poesey, m^r Phillip
 Land, m^r ffrancis Brooks, m^r Tho: Mathews, m^r Tho: Sherman,
 m^r George Manners Burgesses for S^t Maries
 St. Marys Kent
 Providence als. County Cap^t Robert Vaughan Comder. & Bur-
 Anarrundell gesse for the Ile of Kent County. m^r George
 Puddington & m^r James Coxe Burgesses for the part of the
 province, now Called Providence, or any fve or more of them,
 for the Lower howse, together with the Clarke of th^t howse
 for the time being, who shall from time to time assemble
 themselues at the time and place to bee by the Gou^r (or whom-
 soev^r. of the Counsell hee shall by hand writing under his hand
 depute for th^t purpose) from time to time appoynted during
 this p^rnt Assembly, Shall haue the full power of, & bee two
 howses of Assembly to all intents and purposes. And all Bills
 that shall bee passed by the s^d Two howses or the maior part of
 both of them, & Enacted or Ordered by the Gou^r shall bee
 Lawes of the province after publicōn thereof, under the hand
 of the Gou^r, & the Great Seale of the s^d province as fully to
 all effects in Law as if they were aduised & assented unto by
 all the freemen of the province personally

Will^m Stone

Orders made & agreed vppon by the Assembly for the better
 ordering of Both Howses.

1 That noe member of eyther howse shall vse reuyling
 speeches or name any of the members of eyther howse by his
 owne name but by the terme or denominaōn of the Gentleman
 th^t spoke last or the like

2 That none of eyther howse shall speake aboue once, att
 one reading to any Bill wthout licence of the Gou^r or Speaker
 respectively. And if 2 persons rise vp together the Gou^r or
 Speaker respectively, shall appoynt who shall speake first, & no
 one shall interrupt another, or speake till the other haue ended.

3 That none shall deliuer his opinion or speake to any Bill
 sitting, but shall stand up bare headed, directing his speech to
 the Gou^r or Speaker respectively.

4 That Every Bill proposed to the howse, shall bee read
 three severall dayes, before it be voted to Ingrosmt^t unlesse
 uppon urgent occasion, or in matters of lesser consequence, it
 bee otherwise thought fitt by both howses.

5 That none shall come into eyther of the houses whilstt
 they are sett, with any gun or weapon uppon perill of such
 fine or censure as the howses shall thinke fitt

Liber A 6 Any of the 14 Burgesses (bownd to attend the Assembly) that shall bee absent from their howse att the hower & place appoynted (the Gou^r & Secretary or any one of the Counsell being then assembled) is censured or adiudged to pay for euery such default 50^l of Tob: & cask, unles iust excuse for such absence be made appeare

p. 364 7 All Tobbackos w^{ch} shall accrew bee adiudged to the payd or raysed for, or by reason of any misdemeanor, absence, or censure of any of the Burgesses during this Assembly, The Gou^r is pleased (& the Assembly doth thereunto consent) shall bee disposed of towards the releife of the Poore of the Province
Will^m Stone.

m^r Tho: Mathews, m^r John Hatch & m^r Walter Beane fyned by the howse in 50^l Tob. apeece for not appearing.

The Burgesses desyre in the first place to debate & aduise concerning the 16 Lawes th^t his L^p might bee certifyed of their proceedings therein this yeare, in some conuenient time. And the Gou^r conceiuing that the consultaō of the Lower howse touching the 16 Lawes would requyre long time, adiornd the Vpper howse till wednesday next att 11 of the clock

The Lower howse adiornd by the Speaker 'till 9 a'clock next munday morning

Monday 8^o Aprilis 1650

All assembled, none absent. m^r Mathews, m^r Hatch, & m^r Beane are remitted their fine for th^t it was proued not to bee uoluntary or willfull neglect in them, but iustly occasioned through fowle weather

was read his L^{ps} Declaraōn sent in hither this yeare.

m^r John Hatch & m^r Beane sworne, as in the Burges oath
m^r Tho: Mathews refused to make oath, who had time to consider 'till afternoone. The howse adiornd till 1 clock.

Munday afternoone.

m^r Thomas Mathews Burgesse of St^t Inigos hund^d being demanded to make oath as the other Burgesses.

Replied That he thought That oath could not bee taken by him, for th^t according to his L^{ps} instructions sent hither That All Poeple belieuing in Jesus Christ, should haue the free exercise of their Religion. And accordingly hee ought to bee guided in matters of conscience by his spirituall counsell. And if soe bee, hee understood not, & could not bee satisfied in

his iudgment in any matter, what may bee spoken or debated, Liber A
hee could not aduise wth whom hee ought therein if hee tooke
such oath, and soe consequently had not the free exercise of
his Religion.

And the howse thereuppon gaue censure th^t the s^d m^r Tho:
Mathews should depart the howse, & not to haue any uote
therein, who departed & absented himselfe accordingly.

was read the 16 Lawes, sent in by his L^p to bee assented to,
& enacted wthout alteraōn &c:

The howse adiorned by the speaker 'till tuesday morning 8
a'clock.

Tuesday 9^o Aprilis

The Burgesses all assembled except m^r Mathews, who was
yesterday expelled the howse, & discharged of his place &
uote, & m^r ffrancis Brooks who is excused by sicknes.

was read the Act of Recognicōn. And the Assemblies L^{rs}
sent to his L^p last yeare.

The house adiorned by m^r Speaker 'till 1 clock afternoone.

Tuesday afternoone.

All Assembled as in the forenoone except as afore

Was read some former Draughts of Laws for the Rights of
the L^d Prop^r formerly proposed at other assemblies in this pro-
vince. Ordered by the Speaker that an Act should bee drawne
up for the Rights of the L^d Prop^r & the Poeples Liberties.

was read An Act for the rights of the L^d Prop^r & &c:

Ordered th^t the Bill bee drawne up fayre & presented to
the Vpper howse to-morrow morning.

was read An Act of Obluion the 2^d time. The howse
adiorned by the Speaker till tomorrow morning 9 clock

Wednesday 10^o Aprilis.

Burgesses all assembled except as yesterday. was read
again the Act of Recognicōn. m^r Speaker gave order to the
Clarke to draw up a Report touching the Body of Lawes &
adiorned the howse 'till 1 clock afternoone.

Wednesday after noone.

All assembled except as afore. The Report was read, &
sent in to the Vpper howse. The Burgesses likewise deliuered

Liber A a Petⁿ to the Vpper howse by their Speaker, desyring vindicaōn of their hono^{rs} for certaine harsh speeches uttered by m^r Tho: Greene agst them, taxing them with iniustice for expelling m^r Tho: Mathews out of the howse, refusing to take the oath of secresy, and for their taking the s^d oath in th^t manner.

Vppon debate of which it being conceiued impertinent for the Burgesses to take the oath of secresy in the Lower howse unlesse the same were likewise taken by the Counsell in the Vpper howse, w^{ch} s^d order was brought into the Lower howse viz. whether such members in the Vpper howse, refusing to take the oath of secresy, as the Burgesses, shall haue liberty or vote in the s^d howse, & the howse assented th^t they should not have uote or seate in the s^d howse, during the Assembly, unlesse they assent, & take such oath. And further th^t once reading bee adiudged sufficient for such orders for the speedy dispatch of the Counties busines, notwthstanding the former order for 3 severall readings &c: And the Gou^r told the Speaker that hee should haue an Answer of the Petⁿ the next day after the 2^d vote vppon that Bill.

The howse adiorned by the Speaker 'till tomorrow morning 8 clock.

Thursday 11 Aprilis.

All assembled except as yesterday. A Summons issued out to the Sheriffe for choyce of a new Burgesse in m^r Tho: Mathews stead for S^t Inigos hund^d.

Touching the Act of Recognicōn now in dispute some were of opinion that they could not passe it as a p^rpetuall Law, but for some time only. And have liberty to repeale it, when they shall find their liberties or consciences infringed by it. m^r Rob^t Clarke by the Gov^{rs} writt chosen a member of the Vpper howse. The Gov^r remitted all the former fines of this Assembly. The house adiorned till 2 clock afternoone.

Thursday afternoone

ffor the more speedy dispatch, both howses considered of a Committee for perusall of the 16 Lawes. And the Speaker appoynted Cap^t Rob^t Vaughan, m^r Puddington, m^r Hatch, m^r Land, m^r Robins, & m^r Beane for a Committee, & the Gou^r for the Vpper howse appoynted m^r Secretary & m^r Rob^t Clarke to bee of the Committee, who were to meete as often as they thinke fitt, till Wednesday next at 11 clock who had in charge to aduise of the 16 Lawes, whether they think fitt to passe them all or not, & if not all, then w^{ch} of them, & to draw up

p^rticular & respectiue reasons of their not passing the rest, & Liber A
to certify both howses of their proceedings therein, uppon
Wednesday next if they may.

The Lower howse adiorned by the Speaker as allso the
vpper house by the Gou^r till Wednesday morning 8 clock.

Wednesday 17^o Aprilis

Burgesses all assembled except as afore.

The Committee deliuered in their Certificate (both howses
being mett) and assembled except m^r Greene in the Vpper
howse) w^{ch} was read & transmitted to the Lower howse to bee
there Voted.

was read the 16th Law, Intit.: An Act concerning trade wth
the Indians.

An Act for the better Support of the L^d Prop^r

An Act prohibiting the transporta^on or sale &c: of his L^{ps}
ordinances, Ammunition, goods &c: passed

The howse adiorned by the Speaker till tomorrow morning
8 clock

Thursday 18^o Aprill

Burgesses all assembled except m^r Brooks excused by sicknes

The Sheriffe returned the Summons and m^r ffenwick Bur-
gesse of S^t Inigos hund^d in m^r Mathews roome.

m^r ffenwick making his appearance in the howse, m^r Speaker
proposed the oath of secresy to him. And m^r ffenwick declared
th^t he would take th^t oath Prouided th^t it might not preiudice
in any sort his Religion or Conscience And the howse voted
th^t the s^d m^r ffenwick ought not to haue place or bee a member
in the howse, unlesse hee tooke the oath directly, as it lyeth
wthout any reserva^on at all eyther of Religion or conscience,
Except m^r Manners, m^r Medley, & m^r Land, who declared &
desyred th^t the s^d m^r ffenwick might haue time to consider of
the s^d Oath, w^{ch} was admitted & granted by the whole howse,
till tomorrow morning.

The Burgesses desyre an answer of their Petⁿ from the Gou^r
who returne wth this answer from the Gou^r & Vpper howse
That the Lower howse howse had not power of themselves to
expell any member out of their howse, the Gou^r not being p^{nt}.
But conceiued th^t m^r Mathews expelled himselfe, for th^t hee
came not to demand his uoyce, after the Gou^r himselfe was
p^{nt} in the howse

The howse adiorned by m^r Speaker till 2 clock afternoone.

Liber A

Thursday afternoone

All assembled except as afore. The whole howse declared th^t it was never intended or is now intended by the howse, That in the oath of secresy any thing is ment to infringe Liberty of Conscience & Religion, whereuppon m^r ffenwick was sworne as the other Burgesses

The Gou^r appoynted the former Committee to take their Certif^t againe into consideraōn & to renew the same, & if they see any cause of alteraōn or addition thereto to proceede therein, & to certify by Saturday morning.

The howse adiorned by the Speaker till tomorrow morning 8 clock.

ffriday 19^o Aprilis

Burgesses all assembled except as yesterday.

was read the Certif^t & Declaraōn of the Committee concerning the 16 Lawes, & their proceedings thereuppon, concerning the Act for the punishing of certaine offences &c: now in debate, agreed by all that the Act bearing the same tyle the last yeare shall now passe. And instead of the Act That all Accompt^{ts} accompt uppon oath: A new Act bee drawne up & p^rsented to the Vpper howse, imposing a penalty or forfeiture uppon false Accompt^{ts}

The howse adiorned till 3 clock afternoone.

ffriday afternoone.

All assembled except as afore.

was read An Act That All Accomptants &c: passed by all, & presented to the Vpper howse.

An Act prohibiting all compliance wth Cap^t Cleyborne. passed & presented &c.

An Act Concerning Trade wth the Indians.

The howse adiorned by the Speaker till tomorrow morning 8 clock.

Saturday 20 Aprilis.

All assembled except m^r ffenwick & M^r Brooks who is excused by sicknes. & m^r ffenwick fyned for his not appearance, according to the orders 50^t Tob.

Was read An Act for punishing of } Liber A
 certaine offences } to be prested
 An Act concerning mak- } to the Vpper howse.
 ing ou^r Lands & estates
 An Act prohibiting all Compliance wth Cap^t
 Cleyborne
 An Act prohibiting fforreyners to hunt &c:
 An Order concerning Indians in Kent & Proui-
 dence

The house adiorned by the Speaker 'till 1 clock after noone.

Saturday after noone.

All Assembled except M^r Brooks as afore

The Burgesses being sent for into the Vpper howse to giue their opinion uppon the desyre of m^r Clarke to bee discharged the howse by reason of some objections, they referred themselves for th^t matter to the Gov^r to doe therein as he thought fitt & the Vpper howse referred it in like manner to the Gov^{rs} discretion, who uppon his earnest desyre for th^t purpose discharged him from sitting or uoting in the howse during the Assembly

To the desyre of the Committee that his L^p will accept & giue his assent to the Act for punishing &c: instead of the 4th in the Body of Lawes, assented unto by the whole howse

The howse adiorned by the Speaker till 9 clock munday morning

munday 22^o Aprilis.

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All assembled except as afore. was read an Act agst In-grossers and fforestallers. Adiorned till afternoone

munday afternoone. All assembled except as afore.

The Gou^r appoynted M^r Speaker, Cap^t Vaughan, m^r ffen-wick, m^r Hatch, m^r Puddington & m^r Land Committee to prepare the Lawes and Orders sent in by the Burgesses wth certaine other busines, & Pet^{rs} committed to them by the Vpper howse, for the more speedy dispatch, & to giue their Report therein, on Wednesday next.

Both howses adiorned till Wednesday 1 clock afternoone.

Liber A

Tuesday 23^o Aprilis att a Committee.

Committee all assembled wth m^r Greene, & Cap^t Price of the Vpper howse, M^r ffenwick appoynted Cheerman.

Was read An Act for punishing of certaine offences &c;
 An Act agst Ingrossers & fforestallers.
 An Act prohibiting fforreyners to hunt &c;
 An Order concerning Indians in Kent.
 An Act for Erecting Prouidence into a County
 by the name of Anarundel County

Committee adiorned till 2 clock afternoone.

Tuesday after-noone. All assembled.

was read An Act ffor punishing certaine Capitall offences
 An Order concerning making ouer Land & estates.
 An Act for punishing some offences not Capitall.
 An Act for the Muster-Masters Gralls ffee.
 An Act for prouiding a march uppon the Indians.
 The Committee adiorned till tomorrow morning.

Wednesday 24^o Aprilis. Committee all assembled.

was read: An Act for measures wthin the prouince.
 An Order for the Reedifying of the ffort of S^t Inigos
 Concerning m^r Thornboroughs Petⁿ touching a horse.
 The Committee Report th^t the Pet^r ought to bee satisfied,
 as is provided for the other Soldiers: or the horse.
 An Order drawne out to be presented with those other Bills.

Wednesday afternoon 24^o Aprilis.

All assembled except m^r Brooks as afore. The Committee gaue acc^t of their charge & the Bills read att a full meeting in the Vpper howse, m^r Secretary appoynted to prepare a Lre to his L^p in answere what was done concerning the body of Lawes. The howses adiorned till to morrow morning 8 clock.

Thursday 25^o Aprilis.

M^r Brookes excused by sicknes. m^r ffenwick, m^r Robins, & m^r Hatch not appearing att the calling of the howse were fyned according to the orders 50^t Tob. apeece. The Burgesses being sent for into the Vpper howse was read his L^{ps} Declaraōn concerning the Body of Lawes, & a Lre to his L^p w^{ch} was signed by Cap^t Price, m^r Secretary, Cap^t Vaughan of the Vpper

howse, & by all the Lower howse, except m^r ffenwick, m^r Medley, m^r Manners, & m^r Brooks. The howses adiorned till 1 clock afternoone. Liber A

Thursday afternoone.

All assembled except m^r Brooks as afore.

By the Governo^r &c:

I doe appoynt Cap^t John Price & Cap^t Vaughan for the Vpper howse, and m^r James Coxe, m^r George Puddington, m^r Phillip Land, m^r John Hatch, m^r Will^m Brough, & m^r Rob^t Robins for a Committee to consider & reuiew the Laws made the last Assembly, and in p^rticular th^t w^{ch} concernes prouision to bee made of a stock for his L^p. And such other Acts or Orders as are already drawne & not read. And an Act to be drawne for settling of Assembly by Burgesses, of John Hatch's and others the Exeq^{rs} acc^t of prouision for the poore, & of what other busines they shall see cause, to take into their considera^on. And to return the Certificate by to morrow att noone, if they can to both howses

Will^m Stone

m^r John Medley uppon request (by reason of his wife being sick) made to the howse is lycenced to goe home & not giue his attendance in the howse. The howse adiorned till 1 clock to morrow afternoone.

ffriday 26^o Aprilis Att a Committee, Cap^t John Price
Cheer-man.

Was read An Order Drawne up unto M^r Thorneboroughs
Petⁿ

An Order touching Tho: Allens 2 children.

An Order for halfe Bushell of Corne p^r pole to
be allowed the Gou^r for the publicke use.

Vppon. the Petⁿ of John Halfhead (neyther parties being pⁿt) the Committee doe referre the hearing, to the next Pro- uinciall Court wthin this prouince, & to be there heard & determined.

was read ou^r all the Acts & Orders made the last Assembly and uoted to be renewed & stand in force, only the order touching the lord Prop^{rs} stock of Cattle &c: desyre it to alterd thus viz. those words [Till the last of March 1651]

was read An Act Establishing the howse of Assembly

An Order for the Poor. Comittee adiorned till
to-morrow morning 8 clock

Liber A ffriday 26° Both howses mett. All Assembled as afore.

The Committee ordered to bring in the Countries charge.

And their Report brought in & read in part. Leif^t W^m Lewis demandeth satisfaction for his charge & pains in bringing downe Indians the last yeare, & comming down now & gyuing his attendance uppon the Gou^{rs} Irē.

And uppon motion made how many men should bee allowed the Gou^t & Councell ffree of all taxes, The vute of the Lower howse is that the Gou^t be allowed 6 men, & euery of the Councell 3 prouided they bee their owne proper seruants by Indenture or other Couenant or lyuing in their own howses.

Adiorned till tomorrow morning 7 clock

Saturday 27° Aprilis

Burgesses all assembled except as afore. Went on on the Committees report

Both howses mett & putt to the vute, whether once reading shall bee sufficient for all Bills & orders allready prepared before they bee putt to Ingrossm^t or not. All pñt vute in the affirmatiue, Except m^t ffenwick.

The Committee brought in the Countries charge viz.

Common charges to bee Levyed by equall assessm ^t through the whole province	ffor Will ^m Lewis for his attendance & bring-	
	ing down Indians the last yeare	0400 ^t
	ffor Mathias Bryant for carrying the Gou ^{rs} Irē	0100
	ffor pressing m ^t Chappells Boate	0200
	ffor ffrancis Martinson for goeing to Anar-	
	undell & Kent Counties	0600
	ffor the Clark of the Assembly for 24 dayes	
	att 50 ^t per day	1200
	ffor Phillip's attendance on the Burgesses &c.	0420
	ffor the Sheriffe, for his attendance on the	
3420	howse	0500

All the Bills were read, & putt to the vute of both howses whether they should passe to engrossm^t viz.

An Act concerning deserted Plantaōns. Passed by All (except M^r ffenwick)

An Order for Corne to the Gou ^t	} Engrossed by both houses
An Act agst swearing, drunkennes &c	
An Act ffor Muster masters ffee	
An Order ffor S ^t Inigos ffort	
An Order agst fforreyners hunting	

An Act, providing punishm^t for Capitall offences. Lower howse being equall in their uotes. It was ordered to bee sett aside till next Assembly Liber A

An Act providing &c: for Offences not Capitall.	} Engrossed by all p ^r nt.
An Act erecting Providence &c:	
An Act &c: March uppo ⁿ the Indians	
An Order touching Tho: Allens children	

Both houses adiorned by the Gov^r till munday morning 8 clock.

Munday 29^o Aprilis.

All assembled Except as afore.

The Lower howse of Burgesses, sent for into the Vpper howse by the Gou^r to the Voting of all the Acts & Orders drawne up & engrossed

was read	An Act Conring Deserted Plantaōns	} Passed by All
	An Order for Corne to the Gov ^r :	
	An Act for punishm ^t of certaine offences &c:	
	An Act for muster master Gralls ffee	
	An Order for reedifying the ffort of S ^t Inigos	
	An Order prohibiting fforreyners hunting &c:	
	An Act for punishing certaine offences	
	An Act for Erecting Providence &c.	
	An Order providing a march &c.	
	An Act prohibiting all Compliance &c:	
	An Order for Recording marks cattle	
	An Order on 9, 10, 11, 12 orders &c:	
	An Order agst, Ingrossers &c:	

Both houses adiorned by the Gov^r till 1 clock after noone.

Munday after-noone all Assembled except as afore.

Was read	An Order Concerning Tho: Allens 2 children.	} Passed by maior vote
	An Order uppon m ^r Thorneboroughs Pet ⁿ	
	An Order for releife of the Poore	

An Act prohibiting Indians to come &c	} Passed by All
An Act for Secretariys & sheriffs ffees.	
An Order for p ^r fecting Leuy in Octobr	

Liber A was read Declaraōn uppoⁿ the Act prouiding for soldiers
pay &
Declaraōn uppon the Act for Dead mens Estates &
approved by both howses.

Both howses Declare th^t noe further secrecy is requyred mentioned in the Oath (after this p^rnt day of Sessions) taken for th^t purpose neyther doe they find it any wayes requisite.

Vppon motion of adiorning the howse of Assembly, It was alledged that all persons bound to attend the Assembly ought to be protected frō arrests. Whereuppon the Burgesses desyre noe protection att all, for being Burgesses, but declare the contrary & desyre to bee lyable to all suits, actions & arrests. And the Gou^r adiorned both howses 'till the 10th Day of January next, unlesse uppon urgent occasion as the Gou^r shall see cause. Proclamaōn shall issue forth anticipating the s^d adiorm^t

The Committee's Bill of charges this Assembly brought in 27^o Aprilis, allowing

S^t Maries

To	{ Rob ^t Robins for 27 dayes attendance att 50 ^t per day	1350 ^t
	{ m ^r W ^m Brough for 21 dayes att 50 ^t	1050
	{ John Medley for 14 dayes	0700
To	M ^r Phillip Land 26 dayes	1300
To	{ John Hatch 24 dayes	1200
	{ Walter Beane 24 dayes	1200
To	ffrancis Poesey 28 dayes att 50 ^t p day	1400
	{ George Mannes 21 dayes	1050
	{ m ^r Tho: Sturman 21 dayes	1050
	M ^r Cuth: ffenwick 11 dayes	0550

As for that m^r ffrancis Brooks was not able through sicknes to attend the howse, and drawing of his wine the Committee thinke fitt, not to prouide for him att all.

Kent &c

To Cap ^t Rob ^t Vaughan for 40 dayes att 50 ^t p day	2000
Boate & hands &c:	0250

Anarundell

To m ^r Puddington	{ for 37 dayes a peice at 50 ^t p day	3700
m ^r Cox		
Boate, hands, & wages		0600

This Assessm^t to be layd on the hund^{ds} & Counties proportionably. Every County & hun^d bearing their particular charge, of their own p^rticular Burgesse or Burgesses.

The Committee finding already 3420^l more of Tob. uppon Liber A
common charge, besides what will hereafter be reckoned.
Whereuppon (not being able to make a true Estimate of the
Poeple inhabiting in the seuerall Counties, whereby to propor-
tionate the Assessm^t equally) they referre the making thereof,
unto the meeting in Octob^r for th^t purpose.

Signed	{ John Price	{ John Hatch
	{ Rob ^t Vaughan	{ Will ^m Brough
	{ James Coxe	{ Rob ^t Robins
	{ Phil: Land	{ George Puddington

Lune 29^o April 1650 in the Vpper house

The said House being called The Governor, Cap^t Price, M^r
Secretary and Cap^t Vaughan Assembled, And the Burgesses
of the Lower House being sent for, came and Joyned them-
selves with the Vpper House this day for the more convenient
and Speedyer dispatch of all busines. And in the first place
the Bills and Orders before mencōned were all read and voted
as before is expressed

After w^{ch} it was put to the Vote of both Houses whether in
regard of the Long expence of time elapsed they did agree
that all Bills, Acts and Orders as well such as have often been
read and Voted to Ingrossm^t as all the rest that have beene
read and assented vnto by both Houses shall passe for Lawes
and Orders of the Province and stand Good to all intents and
purposes, without further reading though they have not been
soe often read and Voted as was directed by the order of the
House for that purpose, Yea or Noe. And it was in the affir-
mative by both Houses.

Willm Stone

Willm Bretton

Tho: Hatton

And the busines of this day being finished the Governor
adiourned the house as before in the Journal as expressed.

Tho: Hatton Secr.

Acts of Assembly.
1650.

Acts and Orders Enacted made and ordered by Willm Stone p. 355
Esq^r Governor with the consent of the Vpper and Lower
House of Assembly at a generall Sessions thereof held at S^t
Maries on Monday the nyne and twentieth day of Aprill Anno
Dm̄ 1650 as followeth Viz:

Liber A

1 An Act for punishm^t of certaine Offences
as Swearing, cursing, Adultery &c.

Adultery &c Every person or persons that shalbe found or proved by confession of either party to haue comitted Adultery, or fornicacōn, such Offender or Offenders shalbe censured or punished, as the Governor and Counsell or other cheife Judge and Co^mmissioner p^rsent in Court (therevnto authorized) not extending to life or Member shall adiudge and thinke fitt.

Swearing Every person or persons inhabiting or residing within this Province that shall at any time p^rphane the name of Almighty God by frequent Swearing or cursing or blaspheming, such person or persons shalbe censured and punished according to that Clause in the Act Intituled an Act concerning Religion, as is p^rvided for such person or persons who shall p^rphane & blasphemame the name of Almighty God in the like kinde on the Sabbath or Lords Day called Sunday.

Drunkenesse Every person or persons inhabiting or residing within this Province that shall abuse himself by frequent Drunkenesse or shalbe drunke and proved by two sufficient Wittnesses, such person or persons for every such Offence shall pay for a fine One hundred pounds of Tobacco and Caske to the Lord Proprietary of this Province and his heirs Lords and Prop^rs of this Province.

The Lower House hath assented—Will. Bretton
The Vpper House hath assented—Tho: Hatton

Enacted by the Governor Withm Stone.

2 An Act for punishing of some other Offences

Striking Every person striking any Officer, Juror or Witnes in presence of the Court or striking any other person with a drawne Weapon in presence of the Court, or striking any Magistrate in or for doeing of his Office may bee Judged to loose his or her right hand or to bee burned in the hand or bee put to any other corporall shame or correccōn (not extending to life, or bee fined as the Provinciaall Court or other Judge therevnto authorized shall thinke fitt. Every person that shall strike a high Sheriffe of a County or any other Officer in or for executing of his office, shalbe fined or censured as the Governor & Counsell p^rsent in Court or Co^mmander and Co^mmissioners authorized from time to time for matters of Iudicature in any County Court within this Province shall thinke fitt.

false witnes Every one giving false witnes vppon oath or perswading or hiring another to give such false witnes vppon oath shalbe nayled to the Pillory and loose both Eares or

put to other corporall shame or correccōn not extending to life Liber A
as the Court shall Adiudge.

Enacted vt Sup^a

Assented vnto Sup^a

- 3 An Act p̄hibiting all Compliance with Cap^t W^m
Cleyborne in opposition of his Lo^{pps} right &
Dominion over this Province.

Whereas Cap^t Willm Cleyborne heretofore of the Isle of Kent within this Province of Maryland and nowe of the Collony of Virginia for his frequent Attempts practizes and enterprizes in opposicōn of his Lo^{pps} vndoubted right and Dominion in and over this Province hath heretofore carryed himself in a very rebellious manner against his Lo^{pp} and the Govern^t here established vnder him, and still remaines exempt from pardon in that respect And whereas also vppon a full hearing on both sides by Reference from his late Ma^{ty} before the Lords of the Counsell in England the fourth of Aprill 1638. the said Cleybornes p^rtended clayme to the said Isle of Kent and some other parts of his Lo^{pps} Province and trade with the Indians was rejected and his Lo^{pps} vndoubted right and title therevnto according to his Patent was confirmed And whereas likewise by proclamacōn made & published in Virginia the fourth of October 1638 by authority of the then Governo^r there with the advise and consent of the Counsell of State in relacōn to and in pursuance of the said order of the Lords of the Counsell All and every the Inhabitants of that Collony were expresly p̄hibited to vse or exercise any trade or commerce with any Indians within the Bounds of this his Lo^{pps} Province without speciall Licence from his Lo^{pp} for that purpose vpon the penalty & forfeiture therein expressed As by the said Order of the Lords of the Counsell & proclamacōn both remayning vppon Record with the Secretary of this Province more at larg it doth & may appeare And whereas further the said Cap^t Cleyborne hath of late by his L^rēs to the p^rsent Governor of this Province p^rsumed in an vpbayding insolent threatninge manner to renewe his former p^rtended clayme here in opposicōn of his Lo^{pps} right and Dominion, and (as is credibly reported) gives out in speeches that hee purposeth ere long to make some attempt vppon the Isle of Kent against the peace & safety of this Province ffor p^rvincōn whereof therefore and the better to restraine and keepe all & every the Inhabitants of this Province in their due obedience to his Lo^{pp} and the Govern^t established here vnder him. Be it Enacted by the Lord Prop^{ty} with the advise & consent of the Vpper & lower House of this Assembly That what person or persons soever now inhabiting or w^{ch} shall

Liber A from time to time hereafter inhabit or bee resident vppon the said Isle of Kent or any other place within this Province, that shall hereafter p^rsume (contrary to his or their fidelity or obedience to his said Lo^{pp} & his heires Lords & Prop^{rs} of this Province and the Govern^t here established vnder them) in any sort to assist abett or countenance the said Cleyborne or any of his Complices or Adherents in any attempt practice or enterprize whatsoever vppon or against the said Island of Kent or any other place within this Province or any thing therevnto belonging in opposi^cōn of his Lo^{pps} & his heirs Lords & Prop^{rs} of this Province his and their vndoubted right & dominion in and over the same, Vppon prooffe thereof by two sufficient Witnesses shalbe punished by death & confiscacōn of all his and their Lands goods Debts & chattells within this Province to the vse of his Lo^{pp} & his heirs Lords and Prop^{rs} of the same.

Enacted vt Sup^a

Assented vt Sup^a

4 An Act concerning deserted Plantacōns.

Whereas divers persons who haue heretofore taken vpp land within this Province haue neglected the seating thereof for a long time, And others that haue seated Plantations haue againe deserted them suffering their said Land and Plantacōns to lye wast and vninhabited, keeping their titles thereto Nevertheless still on foote whereby others are hindred from taking the same vpp and seating neere together for the Comon Security, Which is found to bee very inconvenient to the Comon wealth and a great Iniury to the Lord Prop^{ry} in the losse of his Rents and otherwise Be it therefore Enacted by the Lord Prop^{ry} with the advise and assent of the Vpper and Lower house of this Assembly That for all Mannors Lands & Plantacōns within this Province which have heretofore bene either taken vpp or seated and for fower yeares last past or longer deserted or left vninhabited by such as haue or might have claymed right thereto, and his Lopps Rents not paid. In case such person or persons (Except Orphans vnder sixteene yeares of age) as clayme any right therein shall not some time before the five & twentieth day of March next make such their right thereto appeare respectively, And (having not had any grant heretofore thereof Legally passed vnto him or them) demand Grants thereof vnder the Great Seale of the Province, and satisfy all Rents for the same arreare to his Lopp. It shalbe at any time then afterwards lawfull for his Lopp or his heirs Lords and Prop^{rs} of this Province or his or their Leiveten^{nt} or cheife Governor of the Province for the time being (lawfully authorized for granting of lands within this Province) to grant the

same or any part thereof to any other person or persons who shall desire Grants thereof according to the Condiçōns of Plantacōn then in force within this Province or other Warrant or direccōn from his Lopp or his heirs Lords & Prop^{rs} of this Province for the time being vnder his or theire Hand and Seale at Armes. And that for all other Mannors lands & Plantacōns already taken vpp or seated or w^{ch} hereafter shalbe from time to time taken vpp or seated within this Province (not belonging to any Orphans vnder sixteene yeares of age) w^{ch} shall happen to bee deserted or left vninhabited by such as shall then haue or may clayme to haue any right or Title thereto, And his Lopp^s or his heirs Lords & Prop^{rs} of this Province his or their Rents due for the same not paid for three yeares together. It shalbe in like manner at any time after the expiracōn of the said three yeares lawfull for his Lo^{pp} or his heirs Lords & Prop^{rs} of this Province or his or theire then Leivteñnt or cheife Governor thereof (being lawfully authorized as foresaid) to grant the same or any part thereof to any other person or persons who shall desire grants thereof. According to the Condiçōns of Plantation then in force within this Province or other Warrant or direccōn as aforesaid

p. 357

Enacted vt Sup^a

Assented vt Sup^a

5 An Act concerning the Secretaries and Sheriffes ffees.

Whereas some disputes haue heretofore beene about the Recording of Patents and other ffees due to the Secretary of this Province. To avoide the like disputes for the future, and that all Iniury & inconvenience to his Lo^{pp} in not recording of Patents for land may be p^rvented. Be it Enacted by the Lo: Prop^{ty} by and with the advise and assent of this p^rsent genall Assembly. That all Patents or Grants of land within this Province not already vppon Record and all such as shall hereafter bee made out shalbe Recorded. And bee it further Enacted by the authority and assent aforesaid that these severall ffees followeing shalbe from hence forward (till a further Settlement therein) paid to to the Secretary of this Province for the time being in Tobacco and Caske as followeth viz:

	Tob. & Caske
ffor an Instrum ^t vnder the Seale	50
for recording any Instrum ^t vnder the Seale	50
ffor entring any other matter vppon Record not exceeding half a side of a Leafe in the Record	8
Book being in folio,	
If the matter entred vppon Record bee above half a side of a Leafe and for every side of a Leafe in folio	16

Liber A	ffor the Coppy of the Record the same ffee as for recording,	
	ffor any Writt, Warrant, or Licence not vnder Seale	} 15
	against or to one person onely	
	If the Writt Warr ^t or Licence bee against or to more	} 15
	then one then for eich	
	ffor discharge of a Shipp or other Vessell	50
	ffor any other Passe or discharge (not vnder Seale	15
	ffor draweing any matter to bee put vpon Record	
	vnles the party employing the Secretary therein	
	shall otherwise agree	8

And if otherwise agreed then according to such Agreem^t

ffor every search of the Record before the yeare wherein such search shalbe made for the first yeare begining at the yeare last past before such search made 4^l Tob: for the second yeare 8 for the third 12 for the fourth 16, and soe accordingly rising after that pporcōn for any Longer time past. But for the same yeare wherein any search shalbe made beginning the 25th of March. The Secretary is to search or pmitt the Records to bee searched by any Inhabitant of this Province, Gratis, The party desiring such search being not impertinently troublesome

And further Whereas his Lo^{pps} now Secretary hath beene disappointed of receiving the greatest part of his last yeares ffees being by that meanes vnprovided of divers necessities for Houskeeping It is ordered by this p^rsent gen^rall Assembly That for all the said ffees arreare and all such other ffees as shall growe due to him as Secretary within the County of S^t Maries before the first of January next (except such as the parties from whom the same or any part thereof are or shalbe due shall satisfy and pay to the said Secretary at his now dwellinge House in pvisions for Houskeeping before Michaelmas next or otherwise) the Sheriffe of the said County of S^t Maries for this p^rsent yeare or any other whom the said Secretary shall ymploy therein shalbe allowed from the parties from whom the said ffees are or shalbe due after the rate of 10^l Tob p Cent for collecting the same Which hee may vpon delay of paym^t or refusall (after demand) leavy by way of execucōn together with the said ffees. And Bee it further also Enacted by the authority and assent aforesaid, That for all ffees which either are or

p. 358 shalbe due from time to time hereafter to the Secretary of the Province for the time being in any County within this Province (except for such as are or shalbe due within the County of S^t Maries before the first of January next, before mencōned The severall Sheriffes of all the severall Counties within this Province for the time being shall from time collect and receive the same for the Secretaries vse (ex officio) without any allowance, If the Secretary shall require it together with the Coutry Leavies

And it is further Enacted by the authority and consent aforesaid that the Sheriffs fees mencōned and expressed in an Act of Assembly held at St Inegoess ffort 2^d January 1646 and remaying vppon Record with the Secretary of this Province shalbe and stand in force in every respect as in and by the said Act they are sett downe and expressed. Till a further settlement herein

Enacted vt Sup^a

Assented vt Sup^a

6 An Act phibiting any Indians to come into Kent or Annarundell Counties without notice thereof given.

Whereas two of the Inhabitants of Kent and Annarundell Counties haue beene lately in a most barbarous & cruell manner murdered by certaine Indians. ffor the better p^ruencōn of the like mischeifes (vnder God) for the future. Be it Enacted by the authority of this p^resent generall Assembly, That the Comānders of the said severall Counties shall cause speedy notice to bee given to all Indians that vse to resort or come vnto the Townes or dwelling Houses of any the Inhabitants there, and to all other Indians that shall happen to come into these parts or live neere at hand (as with conveniency they may) That they and every of them refraine comeing thither for the future either to hunt or vppon any other occasion vnles it bee to speake with the said Comānder or Comānders of the said severall Counties vppon some vrgent occasion, And that before they shall approach too neere any the Townes or Habitacōns aforesaid either by land or Water, they shall give or make some knowne signe or Token of such their approach for the purpose aforesaid. And in this Case all and every the Inhabitants of the said severall Counties are hereby strictly charged and required as they will answere the contrary at their pills not to offer any such Indian or Indians any harme or violence, but safely to conduct them (not being aboue fowr in number) to the Commander or Comānders aforesaid both in their comeing and goeing And in case any Indian or Indians whatsoever after such notice given as aforesaid, shall p^rsume contrary to the direcon herein p^rscribed, to approach or come vnto or neere any the Townes or dwelling Houses before mencōned. It shalbe lawfull for any Inhabitant or Inhabitants of either of the said Counties with Gun or other Weapon to shoot, kill, beat or take Prisoner any such Indian or Indians, Any Act of Assembly or other Lawe or order to the contrary hereof at any time heretofore made in any wise notwithstanding, And all & every of the Inhabitants of the said severall Counties are hereby strictly charged and required not to harbour or conceale any Indian or

Liber A Indians whatsoever, w^{ch} shall happen contrary to the direccōn herein before expressed to come vnto any of their Houses or Plantacōns within the said Counties or either of them vppon pill of such punishm^t, fine, or penalty (not extending to life or member) as the Comānder & Comissioners of either of the said Counties respectively shall thinke fitt. And all & every the Inhabitants of the said Counties are to yeild obedience in all things to the direccōn of this p^rsent Act vntill the Governor of this Province for the time being by Proclamacōn for that purpose shall give other order to the contrary thereof.

Enacted vt Sup^a

Assented vt Sup^a

7 An Act for the erecting of Providence into a County by the name of Annarundell County.

Be it Enacted by the Lord Prop^{ry} by and with the assent & approbacōn of the Vpper and Lower House of this Assembly That that part of the Province of Maryland on the west side of the Bay of Chessopeack over against the Isle of Kent formerly called by the name of Providence by the Inhabitants there resideing and inhabiting this yeare shall from henceforth bee erected into a Shire or County by the name of Annarundell County, And by that name hereafter to bee ever called

Enacted vt Sup^a

Assented vt Sup^a

8 An Act for the Muster Master Gen^ralls ffee

Whereas his Lo^{pps} Officers of this Province haue generally some competent allowance granted to them towards their support and mainetenñce by vertue of their said Office, And whereas there being noe certaine ffee ever heretofore allowed
 p 359 or knowne within this Province for the Mustermaster Generall of this Province Be it Enacted by the Lo: Prop^{ry} with the advise and consent of the Vpper & Lower House of this Assembly, That the Musterm^r Generall of this Province shall haue yearely allowed him towards his support and mainetennñce for his charge and paines taking by vertue of his said Office fflower pounds of Tob: and Caske vppon every taxable person Inhabiting within this Province to bee yearely collected by the Sheriffe of every County with the rest of the Leavies

Enacted vt Sup^a

Assented vt Sup^a

9 An Order pviding for the reedifying of the ffort of S^t Ingoes

Whereas sundry accidents may happen within this Province much to the indignity of the Lord Prop^{ry} of the same and his

Governor and abuse of the Inhabitants through the insolencie & pride of some ill minded people trading or traffiqueing here if noo place of force bee mainteyned and kept in repaire during their abode in the Province whereby to comānd their Ships and other Vessells, and force their obedience to the Govern^t. Be it therefore ordered by authority of this present generall Assembly, That every five Inhabitants of this Province through the whole Province shall finde & maintaine one man at their prop costs & charges with victuals and other necessities during such time for the repairing and reedifying of S^t Inegoes ffort at some time as the Governor & Counsell or the maior part of them (the Governor being always one shall thinke fitt & convenient betweene the tenth day of October and Christmas next ensuing. And it is further ordered by the authority aforesaid that the Governor for the time being shall haue power to presse six men with a Cap^t or Comander with Victualls and other necessary Ammucōn into the said ffort to remayne there as Souldiers during the time of shipping being or riding at Anchor in Patomeck or S^t George's River The Charge of w^{ch} to bee defrayed by an equall Assessm^t on all the Inhabitants of this Province And it is also Ordered that the Gunner of the said ffort for his better encouragem^t & paines in ordering & overseeing the worke & workemen and looking to and providing and fitting the Guns and making them vsefull and ready for service shall haue and bee allowed this yeare one thousand pounds of Tob: & Caske to bee levyed on all the Inhabitants by an equall Assessm^t as aforesaid. And all Vessells of English duch or any other fforreiners whatsoever having a deck or decks flush fore & aft, comeing in and trading within the Province shall pay to the said ffort half a pound of powder and twoe pounds of shott, and a considerable pporcōn of Match or soe much in value for every Tunne of Burthen for the vse of the ffort or any other necessary and generall vses to bee ymployed as the Governor shall see cause or thinke fitt, And all vessells tradeing as aforesaid within Patomeck or S^t George's River both at their comeing in and at their departure hence shall ride two whole Tydes before & within command of the said ffort, and take discharge therehence if complying with all orders & duties p^rscribed touching the same Vnles by speciall Lycence and Warrant from the Lord Prop^{ty} of this Province or the Govern^r for the time being they shalbe otherwise authorized & Pvided for) yppon paine of forfeiting Three thousand pounds of Tob. and Caske over & aboue such accustomed p^rscribed duties whensoever it may be seised and Imprisonm^t during the pleasure of the Lo: Prop^{ty} or his Governor for the time being.

Ordered vt Sup^aAssented vt Sup^a

Liber A 10 An Order pviding for a March vppon the Indians

Whereas certaine Indians this last yeare haue most wickedly and barbarously murthered an English Inhabitant of the County of Kent and another Inhabitant likewise since in Annarundell County. Be it therefore ordered that the Governor with the advise of the Counsell of this Province or the maior part of them shall haue power (In case such Indians who haue committed such barbarous and wicked murther shall not bee sent in after demand made of them to the Govern^t here to receive such punishm^t as is due for such offence) to presse men and to appoint such alloweance for their pay, and to make warr vppon those Nacōns of Indians refusing to deliver vpp those Offenders as aforesaid as in his and their best discrecōn shalbe thought fitt. The Charge of w^{ch} warr to be laid by an equall Assessm^t on the persons and Estates of all the Inhabitants of this Province.

Ordered vt Sup^aAssented vt Sup^a

11 An Order agt Ingrossers &c

p. 360 It is ordered by the authourity of this p^rsent generall Assembly That noe person or p^rsons within this Province may or shall buy, bespeake p^rmise or contract for any goods or Servants (brought into the Province) with intent to sell the same within this Province, nor may sell the same within the Province within the space of one whole yeare after at greater price then hee bought them at. Vnles such goods or servants were soe bought, bespoken promised or contracted for seaven dayes after the arrivall of such goods or Servants within the Province if it were in any Pynnace or other Vessell of lesser burthen then 50 Tunne or 28th dayes after the arrivall of such goods or Servants if it were in any Shipp or Vessell of 50 Tunne or aboue and then not for more gaine then 25^t of Tob: in the hundred for the next yeares pay. Except Wine or other Provisions to bee expended in any Ordinaries within this Province, for which there shall not bee allowed aboue 50 p Cent gaine, And all offenders herein shalbe adiudged to pay one third part or value of all such goods and servants bought or sould to the contrary hereof to the party informing and p^rsecuting and able to make iust prooffe thereof against such offender. And the other two parts of all such goods and servants or value as aforesaid shalbe forfeited to the Lord Proprietary and his heires Lords & Prop^{rs} of this Province vppon such prooffe made as aforesaid.

Ordered vt Sup^aAssented vt Sup^a

12 An Order for Recording the marks of Cattell & Hoggs Liber A

It is ordered by the authority of this p^rsent generall Assembly That all & every the Inhabitants of this Province who haue not yet recorded theire marks of Cattell and Hoggs, shall bring the same to bee recorded in the Secretaries Office, or in the Records of the same County Court where every such Inhabitant liveth respectively before Michaelmas next vppon pill of such censure for their neglect herein, as the Governor & Counsell or other Judg therevnto lawfully authorized shall thinke fitt.

Ordered vt Sup^aAssented vt Sup^a

13 An Order vppon the nyneth Act and the tenth, eleventh and twelueth Orders of the last Assembly.

It is ordered by the authority of this p^rsent gen^rall Assembly That the time mencōned in the nyneth Act made the last Assembly for his Lo^{pps} confirming the disposall of his Stock and Estate for satisfaccōn of the Souldiers &c bee renewed for one yeare longer And that the tenth order of the last Assembly, Intitled An Order touching the Lo: Prop^{rs} Stock of Cattell and other Estate within this Province bee renewed and continue still in force And that the time therein limited phibiting the sale or transportacōn of the Cattell and estate therein mencōned bee enlarged for one yeare longer. And it is further ordered by the authority aforesaid, That the Eleventh order of the last Assembly Intitled An order of Assembly for the defence of the Province as the p^rsent times will pmitt and the twelueth order made the same Assembly, Intitled an order pviding for the Smith bee both of them renewed and stand in full force for this p^rsent yeare to all intents and purposes therein mencōned

Ordered vt Sup^aAssented vt Sup^a

14 An Order phibiting fforreigners to hunt within this Province

Whereas great complaint is made by sundry of the Inhabitants here That divers fforreigners the last yeare made theire continuall recourse into this Province bringing and sending Indians with Guns and Amunicōn for the killing vpp & destroying the game of deere, great Inconveniencies arising thereby. ffor the p^rventing of w^{ch} for the future, It is ordered with the consent of this Assembly, That noe fforreigner either English or Indian shall p^rsume or attempt to hunt in any part of this Province or kill any Venison or other Game without Speciall Lycence and

Liber A authority from the Governor for the time being vppon paine of forfeiting the one half of all such Boates, Canowes, gunnes, & amunicōn (brought to the intent aforesaid) and venison or other meat soe vnlawfully killed, And shall alsoe bee imprisoned during the pleasure of the Lord Prop^{ty} or his Leive^t or other cheife Governor or Coṃander for the time being of that County where they shalbe apprehended. The other half shalbe allowed to the party or parties for their paines taking therein that shall seize or apprehend such vnlawfull Hunters or other goods or amunicōn as aforesaid. And the Coṃander of every Hundred shall haue power by vertue hereof to grant Warrant or licence to any person or persons desiring the same to raise men or force sufficient for the apprehending all such vnlawfull Hunters as aforesaid

Ordered vt Sup^a

Assented vt Sup^a

- 15 An Order for half a Bushell of Corne p poll to bee allowed the Governor.

It is ordered by authority of this p^rsent gen^rall Assembly That Willm Stone Esq^r the p^rsent Governor shalbe and is allowed half a Bushell of Corne p poll from every taxable person within S^t Maries & Kent Counties, and half a bushell of Corne vpon every ffreeman in Annarundell County To bee by him disposed of as hee shall thinke fitt to bee paid the next Cropp together with his Lo^{pps} Rents.

Ordered vt Sup^a

Assented vt Sup^a

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- 16 An Order for releife of the poore

It is ordered by and with the consent and approbacōn of this gen^rall Assembly, That all maymed, lame or blind p^rsons within the County of S^t Maries not being able to get their living by working or otherwise shalbe mainetayned & allowed (by an equall Assessm^t to bee levyed and brought in with the other Levies vppon such Inhabitants of the County aforesaid as shall not make a free and willing contribucōn out of their charatable disposicōns) sufficient competicōn and meanes for the mainenance of all such Lame and other persons as aforesaid According as the Governor and Counsell shall thinke fitt and reasonable

Ordered vt Sup^a

Assented vt Sup^a

- 17 An Order concerning the charge of redeeming the two Children of Thomas Allen deceased. Liber A

Vppon the Reference from the Provinciaall Court concerning the charge of redeeming Thomas Allens two Children from the Indians whether to bee allowed in the Administrators or Overseers Accompt or not, the Testators estate not being sufficient as is alleadged to defray that charge and to pay all due debts, and the publick charge this yeare being like to bee very great and burthensome It is thought fitt and soe ordered by this p^rsent Generall Assembly That the said two children shall serve any of the said Administrators or Overseers or any other Inhabitant or Inhabitants of this Province till they attaine to their severall ages of 21^{ty} yeares As the Provinciaall Court shall thinke fitt, Such Inhabitant or Inhabitants bearing or paying the said charg of their Redempcōn being 1500^l of Tob: & Caske viz: for the eldest 900. and for the yongest 600 And at the expiracōn of their time of service paying to each of them respectively a Cowe and a Cowe Calfe, 3 barrells of Corne and necessary clothing, But in case any of the said Administrators or overseers or other Inhabitants aforesaid (to bee approved of by the Provinciaall Court) that will beare or pay the said charg of redempcōn in manner aforesaid respectively, shalbe willing to take them or either of them bound for lesser time alloweing them as aforesaid, or lett them goe free. Hee that will deale most favourably and charitably with the said children or either of them herein and acquaint the said Court therewith before they shalbe bound to any other shalbe first p^rferred. And this Assembly doth further declare that they thinke fitt that Georg Manners be allowed 200^l of Tob: and Caske for his Corroners ffee and other paynes mencōned in the Administrato^{rs} Accompt.

Ordered vt Sup^a

Assented vt Sup^a

- 18 An Order made vppon M^r Thomas Thornborough^{es}
Peticōn

It is ordered by authority of this p^rsent generall Assembly vppon the Peticōn p^rferred by m^r Tho: Thornboroughe to this Assembly to be releived concerning a Horse given him by the late Governor deceased for his service in S^t Inegoes ffort That m^r Cuthbert ffenwick (in whose possiōn the said Horse now is, and w^{ch} was heretofore by him bought of m^{rs} Margarett Brent Executrix of Leonard Calvert Esq^r the said late Governor deceased who gave the said Horse to the Said Thornborough as appeares by prooffe vppon Record) shall not alien, sell dispose transport or cause to be transported out of this Province

Liber A the said Horse in question Vppon paine of forfeiture to the Lord Prop^{ry} or his heires Lords and Prop^{rs} of this Province thrice the value of the said Horse, Till it bee determined the next generall Assembly to bee held for this Province to whom the said Horse shall rightly belong

Ordered vt Sup^a

Assented vt Sup^a

19 An Order conc^rning the Assessm^t of this yeares Leavy &c

It is ordered by the authority of this p^rsent generall Assembly That the Governor if hee please may issue out Writts directed to the Sheriff of every County within this Province to Somon 3 or 4 of the Inhabitants of Annarundell County and one or two of the Inhabitants of Kent County and one or two of the Inhabitants of every hundred within S^t Maries County to bee chosen by the ffreemen of every of the said Counties & hundreds respectively who are (if they thinke fitt) by themselves or any Agent (living within the Province) by them authorized thereto vnder handwriting, to meete the Governor and Counsell at S^t Maries the tenth day of October next to Consider further what is fitt to bee added to the Leavies of this p^rsent yeare besides the Charges already brought in by the Co^mittee this Assembly and to make Assessm^t thereof p^r poll vppon all the taxable persons within this Province in manner as is directed by the Certiff^t of charges brought in by the Co^mittee and otherwise as shalbe then thought fitt by the parties then meeting for that purpose or the maior part of them The Governor or any one of the Counsell whom hee shall depute in his place and stead for that busines giving his Assent thereto in all things and to haue a Casting Vote

Ordered vt Sup^a

Assented vt Sup^a

29^o April 1650

Wee whose names are herevnder written doe certify That our intents in passing that Lawe made Anno 1647 touching paym^t of debts (where p^rvision is made in the second Clause thereof for recovery vpon dead mens estates) was That the Creditors vppon such Estates shall make noe recovery aboue nyne monethes standing Except vppon Bill or other Instrum^t vnder handwriting, And doe beleive that the intencōn of the whole House was such and noe other.

Jo: Price, Robt Vaughan, Cuthbert ffenwick, Geo: Manners Willm Bretton, Jo: Hatch

29^o April p^rdict.

Liber A

It is therefore thought fitt by both houses of this p^rsent Assembly That that Clause in the Act aboue mencōned bē vnderstood and Judged vppon according to the intencōns expressed in the Certificate aboue written

Concurred vt Sup^a

Assented vt Sup^a

April 29. 1650

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Wee whose names are hereunder written doe declare that our intents in passing the Bills the last yeare intituled An Act for the support of the Lord Prop^ry (And doe verily beleive that the intencōn of the whole House then was) That these words in the Lawe viz: Touching the late Recovery and defence of the Province, is onely meant thereby That these souldiers who came vpp in p^rson with Governor Calvert deceased out of Virginia, and those other who were hired into the ffort of S^t Inegoos for the defence and p^rservacōn of the Province and Govern^t reassumed by him, and other Iust arreares incurred during that time in the said ffort should bee satisfied by vertue of that Act and no others.

W^m Stone, Tho: Greene, John Price, John Pille, Tho: Hatton, Robt. Vaughan, Cuthbt ffenwick, W^m Bretton, Geo: Manners Robt. Clarke.

29^o April p^rdict

It is thought fitt by both houses of this p^rsent Assembly That the Act aboue mencōned bee vnderstood and Judged vppon according to the intentions expressed in the declaracōn aboue written

Concurred vt Sup^a

Assented vt Sup^a

Acts made att S^t Marys by Capt: William Stone 21st Aprill 1649 and 25th Aprill 1650 And first those confirmed by his Lordship's Declaration dated 26thth August 1650. As by the Record of the Assembly fo: 31 and not repealeable without his Lordship's Consent. Under his hand and seale &c.

P. R. O.
Colonial En-
try Book
No. 53

An Act of Recognition of the Lawfull and undoubted right and title of the Right Hon^{ble} Cecilius Lord Baron of Baltemore absolute Lord and Proprietary of the province of Maryland unto the said province and unto all Islands Ports and Creekes to the same belongings.

Greate and Manifold are the benefitts, wherewith Almighty God hath blessed the Colony first brought, and planted within

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this Province of Maryland att their Lordship's charge and continued by your care and industry in the happy restitution of a Blessed peace unto us being lately wasted with a miserable dissension and unhappy Warre. But more inestimable are the Blessings thereby poured on this province in planting Christianity among a people that Know not God, nor had heard of Christ, all which as wee recognize and acknowledge to bee done and performed (next under God) by your Lordship's industry and pious intentions towards the advancement and propagation of Christian Religion and the peace and happiness of this Collony and Province.

Soe wee doubt not but our posterity will remember the same with all fidelitty to the Honor of your Lordship and your heires for ever. In Contemplation whereof wee humbly beseech your Lordship that as a Memoriall to all posterities among the Records of your Court of your Greate Assembly within this Province for Ever to endure of our thankfullness fidelitty and Obedience It may bee published and declared by your Lordship and the present Assembly, and enacted by Authority of the same, that Wee being bound therunto by the Lawes both of God and man Doe recognize and acknowledge your Lordship's just title and right unto this province by the grant and donation of the late King Charles of England and the Greate Seale of England bearing date att Westminster the twentyeth of June in the eight yeare of his Raigne Anno Domini 1632 and doe allsoe recognize and acknowledge your Lordshipp to bee true and absolute Lord and Proprietary of this province. And doe humbly submitt unto all power jurisdiction and Authority given granted and confirmed unto your Lordship and your heires in and by the said Grant and donation, and doe hereby submitt and obleige us our heires and posterities for ever until the last dropp of our blood bee spent, to mayntaine uphold and defend your Lordship and your heires Lords and proprietarys of this province in all the Royall Rights Jurisdctions Authorities and preheminences given granted and confirmed unto your Lordship by the said grant and donation soe farre as they doe not in any sorte infringe or prejudice the Just and lawfull Lybertyes or priviledges of the freeborne subjects of the Kingdome of England and wee humbly beseech your Lordship to accept the same as the first fruits In this Assembly of our fidelitty and thankfullness to your Lordship and your heires and posterity for ever which if your Lordship shall bee pleased to accept and ratifye by your assent without which it cann neither bee compleat and perfect, nor remayne to posterity according to our humble desire as a Memoriall of your Lordship's affections towards us, wee shall add this allsoe to the rest of the unspeakable Benefitts we have received by your Lordship's Vigilancy over this Collony.

An Act of Oblivion

P. R. O.
Colonial En-
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The Lord Proprietary is willing that it should bee enacted and bee it enacted by the said Lord Proprietary with the consent of the upper and lower house of this Assembly that ther shall bee an utter Abolition of all actions tending to recover dammages for any faulte committed against any one in his Lordship's peace by any of the party who were in Rebellion against his Lordship's Government here att any tyme betweene the 15th of February 1644 and the 5th of August 1646 excepting Richard Ingle and John Darford Marryners and such others of the Isle of Kent as were not pardoned by his Lordship's Brother Leonard Calvert Esq^{re} deceased his Lordship's late Leuietenant of this Province. And likewise of all actions tending to recover Price for any goods or labour imployed during the said-tyme for the defence of the Country, and be it further enacted by the authority and Consent aforesaid that noe Contracts made with the said party, then in Rebellion against the Government or any person of that party to the use mayntenance or behoofe of the said Rebellion shall bee actionable in any Courts of his Lordships And that all Contracts other then when the true Owner was party the matter wherof was any plundered goods or Cattle shall bee voyed in Lawe And all such price as have been received for any of them by the wrongfull Possessor shall bee restored, and the Lord Proprietary out of his greate Benignety and tender affection to the Inhabitants of this Province is further pleased, that it may bee enacted, and bee it enacted by the authority and Consent aforesaid, that all the Inhabitants and members of this Province (except before excepted) shall bee absolutely and freely pardoned of all offences whatsoever Capitall or other Committed or perpetrated at any tyme betweene the said 15th February 1644 and the said 5th August 1646 and for the better preserving of peace and unity it is allsoe enacted by the Authority and with the Consent aforesaide that all revileing speeches practises or Attempts tending to the disturbance of the Amity desired, and intended, and namely all revileing or upbraiding of other with matter of plunder Rebellion or any other Odious or reproachfull tearmes for any matter or thing pardoned by his Lordship or abolished by vertue of this Act bee utterly forborne and layd aside upon payne of imprisonment during pleasure Fine banishment Stocks Pillory whipping any one or more of these as the Leuietenant or Chancellor and Councell of this province for the tyme being or the Major part of them then being in Court present wherof the said Leuietenant or Chancellor or their respective Deputy (being allsoe one of the said Councell) to bee allwayes one and to have a casting voyce shall think fitt.

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An Act against raysing of Money
Within the said Province without
Consent of the Assembly.

Forasmuch as the strength of the Lord Proprietary of this Province doth consist in the love and affection of his people on which hee doth resolve to relye upon all occasions for his supplies both by sea and Land not doubting of their duty and Assistance upon all Just and Hono^{ble} occasions, Bee it therfore enacted by the Lord Proprietary with the Advice and Assent of the upper and lower house of this present Assembly that noe Subsidies ayde Customes taxes or impositions shall hereafter bee layd assessed, leavyed or imposed upon the freemen of this Province or on their Merchandize Goods or Chattles without the Consent and Approbation of the freemen of this Province their Deputyes or the Major parte of them, first had and declared in a Generall Assembly of this Province.

An Act Concerning the Leavying
of Warre within this Provyince.

This Assembly humbly prayes that it may bee enacted and bee it enacted by the Lord Proprietary with the Advice and Assent of the Upper and Lower house of this present Assembly that if the Lord Proprietary, or his heires or any Deputy or Deputyes Leiuetenant or other Chiefe Governor or Governors of this Province shall att any tyme hereafter make any warre out of the Lymitts or Precincts of this Province without the Consent and Approbation of the Generall Assembly of this Province first had and declared, the freemen of this Province shall bee noe wayes obleiged or compelled against their Consents to ayde or assist with their Persons or Estates in the prosecution or mayntenance of such warre, but are and shall bee discharged of all attendance or supplye concerning or in Relation to such Warre any lawe usage or Custome to the Contrary hereof in anywise notwithstanding. And doe further humbly pray that itt may bee enacted and bee it enacted by the Authority aforesaid that no Martiall Lawe shall att any tyme hereafter bee exercised within this Province but only in tyme of Campe or Garrison and that within such Campe or Garrison, and bee it further enacted by the authority aforesaid that all charges ariseing from tyme to tyme of defence of the province against any invasion of any enemy or enemyes or against any domestick Insurrections or Rebellions against the publick peace of this Province or the Government established here in and under the Lord Proprietary and his heires Lords and proprietaries of this Province shall bee defrayed by this

Province by an equal Assessment upon the Persons and Estates of the Inhabitants thereof, any thing in this Acte or in any other Acte to the Contrary in any wise notwithstandinge

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An Act prohibiting the transportation
or Sale of his Lordship's Ordinance Am-
munition Goods Chattles &c.

Bee it Enacted by the Lord Proprietary with the advise and Consent of the upper and lower house of this Assembly that what person or persons soever shall att any time hereafter presume to transporte or cause to bee transported out of this Province any of the Ordinances Carryadges for Ordinance Gunns Shott powder or other Ammunition to the vallue of twenty shillings or upwards provided or to bee provided from tyme to tyme hereafter by his Lordship or his heires Lords and Proprietarys of this Province or by a Generall Assembly of the Inhabitants of this Province or otherwise for the publick defence here without speciall and lawfull warrant from his Lordship and his heires Lords and Proprietarys of this Province for soe doeing under his and their hand and Seale att Armes and recorded and kept in the Secretarys Office of this Province shall bee punished with Death and Confiscation of all his and their Lands Goods and Chattles within this Province to the Lord Proprietary of this Province and his heires Lords and Proprietarys thereof, And Bee itt further Enacted by the Authority and with the Assent aforesaid that whosoever shall att any tyme hereafter presume to seize sell or knowingly purchase or accept of any of the Lords Proprietary or his heires Lords and Proprietarys of this Province their Ordinances Carryadges Gunns Ammunition Cattle Servants Goods or any other thing whatsoever within this Province or any Iland Porte Creeke or River therunto belonging which shall from tyme to tyme appertayne to him and them without lawfull warrant and Authority for soe doeing from his Lordship and his heires Lords and Proprietarys of this Province under his and their hand and Seale att Armes and recorded and kept in the Secretary's Office of this Province. Every Offender herein shall forfeit unto his Lordship and his heires Lords and Proprietarys of this Province treble the vallue of any such Ordinances Carryadges Gunns Ammunition Cattle servants goods or any other things soe unlawfully seized or sould disposed of purchased or accepted of as aforesaid, to bee leavyed upon the person and Estate of every such Offender. And all such sayles disposalls purchases and acceptances shall bee voyd and null. And are hereby declared unlawfull And every such Offender shall bee allsoe imprisoned during the

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pleasure of his said Lordship and his heires Lords and Proprietarys of this Province or of his or their Leiuetenant or Chiefe Governor of this Province for the tyme being.

An Act for the speedy payment
of debts due to the Lord Proprietary.

Bee it Enacted by the Lord Proprietary of this Province with the consent and approbation of the upper and lower house of this Assembly that all debts which either are or shall bee from time to time really and truely due to his Lordship or his heires Lords and Proprietarys of this Province shall bee first payd and satisfyed within the said Province before any other debts whatsoever.

An Act for taking of an Oathe
of Fidellity to the Lord Proprietary

Bee it Enacted by the Lord Proprietary with the advice and consent of the upper and lower house of this present Assembly that every person from time to time inhabiting or resydinge within this Province and such who have or shall from time to time have any Estate and bee att any time in person within the same shall take the Oath here under mentioned in this Act and Entitled the Oathe of fidellity to the Lord and Proprietary of this Province to bee administered unto him and them respectively upon the holy Evangelists by the Leiuetenant or Cheife Governour of this Province for the time being, or by such person or persons as hee or the Lord and Proprietary of this Province or his heires Lords and Proprietarys of the same shall from tyme to tyme appoynt or authorize for the Administration thereof as aforesaid, and if any person or persons which either are or hereafter shall bee within this Province shall att any tyme within the same refuse to take the said Oathe upon the said holy Evangelists according to the true intent and meaning of this Act when itt shall bee soe administered unto him or them respectively as aforesaid, he and they respectively soe refusinge shall forthwith after such refusall bee expelled and banished this Province and not returne againe into itt without leave from the Lord Proprietary or his heires Lords and Proprietarys of this Province, or his or their Leiuetenant or Cheife Governor of the same for the tyme being and if any person or persons who shall bee expelled or banished for such Refusall as aforesaid shall bee found in any part of the said Province thirety dayes after such refusall or shall afterwards returne into any part of the said Province without such leave as aforesaid or

shall after such returne att any time againe refuse to take the said Oathe upon the said Holy Evangelists, according to the true Intent and meaning of this Act when itt shall bee againe att any time soe administered unto him or them respectively shall bee subject to such Fine and Imprisonment as the Lord and Proprietary of this Province or his heires Lords and Proprietarys of this Province shall thinke fitt or in his or their absence out of this Province as his or their Leiuetenant or Cheife Governor and Privy Councell of this Province for the time being or the Major parte of them wherof the said Leiuetenant or Cheife Governor or his Deputy (being one of the said Privy Councell) to bee alwayes one and to have a negative voyce shall thinke fitt, and the Oathe and tytle therof intended by this Acte is as followeth

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The Oathe of Fidellity to
the Lord Proprietary
of this Province

I, A. B. doe sweare that I will be true and faythfull soe long as I shall bee a Member of this Province to the Right Hono^{ble} Cæcilius Lord Baron of Baltemore Lord Proprietary of this Province of Maryland and the Ilands therunto belonging and to his heires Lords and Proprietarys of the same and to his Leiuetenant or Cheife Governor here for the time being, And will not att any time by words or Actions, in publick or in private wittingly or willingly any way derogate from, But will att all times as occasion shall require to the utmost of my power defend and mayntaine all such his said Lordship's and his heire's just and lawfull right by the Interest, Priviledges Jurisdiction Prerogative Proprietary and dominion over and in the said Province and Ilands therunto beeloning and over the people who are and shall bee therein for the time being as are granted to his said Lordship and his heires by the late King of England in his said Lordship's Pattent of the said Province under the Greate Seale of England not any wayes understood to infringe or prejudice Liberty of Conscience in poynt of Religion, And I doe allsoe sweare that I will with all Expedition discover to his said Lordship or to his Leiuetenant or other Cheife Governor of the said Province for the tyme being, and allsoe use my best endeavours to prevent any plott Conspiracy or Combination which I shall knowe or have just cause to suspect is or shall bee intended against the person of his said Lordship or which shall tend any wayes to the disinherison or deprivation of his said Lordship or his heires their Right Title Jurisdiction and Dominion aforesaid, or any parte thereof, and I doe sweare that I will not either by my selfe or by any

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other person or persons directly or indirectly take accept receive purchase or possess any lands tenements or hereditaments within the saide Province of Maryland or the Ilands therunto belonging from any Indian or Indians to any other use or uses, But to the use of his said Lordship and his heires Lords and Proprietarys of this Province or knowingly from any other person or persons not deriving a legall tittle therunto by from or under some Grant from his said Lordship or his heires Lords and proprietarys of this Province legally passed or to bee passed under his or their Greate Seale of the said Province for the time being soe helpe mee God, &c.

An Act Concerning Accomptants
to the Lord Proprietary

Bee it Enacted by the Lord Proprietary of this Province by and with the assent and approbation of the upper and lower house of this Assembly, that all and every person or persons who shall hereafter att any time make any Accompte or Accompts or any Entry or Entryes of or for any mony Goods Chattles Commodities or Merchandizes whatsoever to or for the use of the Lord Proprietary or his heires unto or with his or their Secretary of this Province for the time being or unto any other Officer or Minister of the Lord Proprietary and his heires by him or them from time to time appoynted or to be appoynted to receive or take such Accompt or to make such Entry, And shall not make or deliver a true and just Accompt or Entry of or for any such money Goodes Chattles Commodities or Merchandizes as aforesaid but shall conceale the same such person or persons after prooffe therof made shall forfeite to the Lord Proprietary and his heires all such monys Goods Chattles Commodities or Merchandizes soe concealed and wherof true and just Accompt or Entry shall not bee made, And bee it further enacted by the Authority aforesaid that all and every person or persons within this province who have shall or may be entrusted with any mony Goods Chattles or Merchandizes to or for the use of the said Lord Proprietary or his heires shall take his Corporall Oathe upon the holy Evangelists to bee administered by the Secretary or other Officer thereunto appoynted by the Lord Proprietary or his heires whoe shall have power from tyme to tyme by vertue of this Act to administer the same if they thinke fitt, that all such Accompt or Entryes for any such money Goods Chattles or other Merchandizes as aforesaid are true and just.

An Act concerning Trade with
the Indians

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Bee it Enacted by the Lord Proprietary with the consent of the upper and lower house of this Assembly that from hence forward every Inhabitant of this Province shall have free lyberty to trade with any Indian or Indians within this Province for any Beaver or other Comodities, and to pass upon any River or Creeke or other passage through any parte of this Province to trade for the like Comodityes with any Indian or Indians without this Province and to exporte the Comodityes or any of them soe to bee traded for from time to time out of this province excepting Corne which shall not bee exported out of this province without especiall leave for the same to bee obteyned from time to time from the Leiuetenant or Cheife Governor of this province or such other Officer or Officers for the time being as hee or the Lord Proprietary or his heires Lords and proprietarys of this province shall from time to time appoynt paying a tenth in weight or vallue for all the Beaver soe traded for, for a Custome to his said Lordship and his heires Lords and Proprietarys of this Province, Provided that noe person or persons who shall att any time hereafter trade as aforesaid, doe sell any Armes or Ammunition to any Indian or Indians, nor impertinently maliciously or wilfully quarrell with or give any just occasione of offence to any Indian or Indians soe trading with him or them wherby the publick peace or safety of this province may be endangered by any warre or Insurrection of any of the said Indian or Indians or any mischeife done by any of them to any of the Inhabitants or people of or in this province, And Provided allsoe that noe person or persons who shall soe trade as aforesaid doe enhance the price of Corne att any time in any such trade to the notorious prejudice of the Inhabitants and people of and in this Province nor goe forth upon any such Trade too weake in strength either in men or Armes and Ammunition wherby those Indians with whome they shall goe to trade may bee the more emboldened to destroy them or doe them mischeife For the better prevention of all which It is allsoe enacted by the Authority and with the Assent aforesaid that all and every person or persons who shall desire to trade as aforesaid shall first from time to time have the Lycence of the Leiuetenant or Cheife Governor of the Province for the time being or of such Officer or Officers as hee or the Lord Proprietary or his heires shall from time to time appoynte for soe tradeing who shall never deny such Lycence to any Inhabitant of this Province that shall att any time desire the same, and that shall give such security and sattisfaction as shall bee reasonable and just to the Leiuetenant

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or Cheife Governour or other Officer or Officers aforesaid that they and every of them respectively will observe and comply with all and every of the Provisoos above mentioned, without which Lycence security and sattisfaction given as aforesaid noe person or persons whatsoever shall trade with any Indian or Indians either in or through any parte of this province any thinge in this Act to the Contrary in anywise notwithstanding. And Be it further Enacted that noe person or persons from time to time not being Inhabitants of this Province shall bee permitted upon any tearmes whatsoever to trade with any Indian or Indians in or through any parte of this province without speciall Lycence to bee from time to time obteyned for the same from the Lord Proprietary of this province or his heires under his or their hand and Seale att Armes or his Leiuetenant or Cheife Governor of this province for the time being under the Greate Seale of this Province upon payne of confiscation to the Lord Proprietary and his heires of all Goods and Comodities Carryed and attempted to bee sold or which shall bee purchaced or acquired in or by any such Trade or Commerce or in Case they cannot bee seized in specie then the vallue therof when any such offence against this Act and the true Intent and meaning of this Clause therof shall bee discovered, And when the person or persons soe offending or any of his her or their money Goods or Chattles shall bee apprehended or seized on in any parte of this province.

An Act for Fees to the Sherriffe

	lbs. Tob.
For serving any writt or warrt p head	10
Takeing bond for Appearance.	5
Imprisoning of one or Release.	10
Tending upon a prisoner per day.	20
Collecting publick duties p cent.	10
For serving an Execucōn or Attachmt	10
If it be above 100 ^{lbs Tob} and under 500 ^{lbs}	50
If it exceed 500 then	100
If it exceed 1000 then for the first 1000	100
And for every 1000 afterward	50

For any extraordinary warrt
or Com^{on} As the Co^{rt} shall
order the Fee.

ACTS AND ORDERS
OF THE
GENERAL ASSEMBLY
OF MARYLAND,

At a session held at St. Mary's, March 11, 1650/1.

CECILIOUS CALVERT, LORD BALTIMORE,
Proprietary.

WILLIAM STONE,
Governor.

Acts and Orders of Assembly Enacted and made by William Stone Esq^r Governor with the Advice and Consent of the Upper and Lower house at a Gen^l Sessions of the said Assembly held at S^t Maries in the Province of Maryland the Eleaventh day of March Anno Dni 1650 as followeth viz^t

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An Act Concerning the Seretaries & Clark's ffees

ffor a ffather addition to the Act made the 29th day of Ap^l last at a ffather General Sessions of this present Assembly touching the Secretaries and Clarks ffees, Be it Enacted by the Lord Propriary with the advice and consent of the upper and Lower house of this Present General Assembly, that the Secretary or Clarke shall be allowed for every extraordinary or Speciall Warrant double the ffee of an Ordinary Warr^t together with 8^t Tobacco fo the entry thereof. And where for the ease and Convenience of the Inhabitants of any remote County within this Province the Governor hath or shall authorise the Commander of such County for the granting of Warrants for Land and the Entry of demands, warrants and assignments concerning the same, which are and ought to be entred in the Secretarie's office to whome the ffees for the same are likewise due and payable, The Clarke of the County or any other person employed by such Commander for the writeing entring and transcribing or Copying of such demands Warrants and assignments shall be allowed for the same from the persons employing him therein (Over and besides the ffees due to the Seretary) the like ffees as are payable to the Secretary for such demands warr^{ts} assignments, Coppies & transcripts, unless such Commander shall think fit to appoint any, abatem^t therein, And Whereas 8^t of Tobacco hath been demanded for the entry of every Ordinary warrant for an arrest upon an action. the entry thereof being but short the Secretary or Clark is not henceforward to have any ffee at all for that entry. And upon Complaint made by Thomas Hatton Gent his Lordps now Secretary of this Province that he hath been extremely ill dealt withall this year touching the payment of his ffees throughout the whole Province having not received above a third part of the ffees due to him for this and the last year whereby he is likely to be much damnified being thereby disabled for the payment of his debts, and wanting necessities for housekeeping.

L. O. R. It is therefore Ordered by this present General Assembly, That
 No. 1 for all such ffees as shall be due and arrear to the said M^r
 Liber B Hatton as Secretary throughout the whole Province, the 25th
 day of this present month the Several Sherriffs of each several
 County within this Province for the time being or what person
 or persons soever, he the said M^r Hatton his Extōrs Admrs or
 assignes shall appoint or imploy to Collect leavy or receive the
 same, shall be allowed by the parties from whome the said ffees
 are or shall be due or arrear 10^l Tobacco & Cask p Cent for
 Collecting thereof which he or they soe imployed may upon
 delay of payment or refusal after demand leavy by way of
 Execucōn together with the said ffees.

An Act for the Surveyor General's ffees

ffor Surveying any Plott of ground of 100 acres or under
 1^l Tob p acre If the Plott be between 100 & 200 acres then
 for the first 100 acres as afore and for all above half a pound
 of Tob p acre. If between 200 & 500 acres the for then first
 200 as afore, and for all above one quarter of a pound of
 Tob p acre. If it be between 500 and 1000 acres then for the
 first 500 as afore, and for all above 1^l Tob for every ten acres;
 for entring a Survey upon his book 5^l tob. ffor Certifieing a
 Survey 5^l tob, ffor describeing a plott of the Grant If it be 100
 acres or under 10^l Tob If above then 5^l tob for every hundred
 acres. Besides these ffees the Surveyor may demand for his
 coming to Survey any plott of ground and goeing home, if
 the place be distant from his usual habitation twenty Miles or
 under 40^l tob, If above 20 Miles and under 40 eighty pounds
 of Tob and soe pro rata But if divers make use of such goeing
 and Comeing the Surveyor is either to part the said ffees for it
 p. 238 ratably Amongst all that make up of it, or else the party im-
 ploying him may refuse to let others have the benefit of it
 unless such as will contribute or Compound for it. And the
 party imploying the Surveyor is to find him a boat and hands
 in Case he cann^t Conveniently goe by Land and victualls out
 and home. And the Surveyor for the present shall attend
 three Months to Survey any Land to which he shall be required
 within S^t Maries or Charles Counties or upon any part of
 Patuxent River, there being divers old titles, to Land due onely
 to the Inhabitants thereof which may not Suffer delay. The
 next two Months, he shall give attendance in Annarundel
 County and the next month after in Kent County. If it be
 necessary for his soe long attendance in any of the said Coun-
 ties. If not he may abide where he shall find it most requisite
 for his employm^t If the Governor shall think fitt.

An Order for the raising of the Leavies

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It is Ordered by the Authority of this present Gen^l Assembly, and the Governor doth hereby for that purpose authorise the ffreemen of every hundred within S^t Maries County to make Choice of one or two of the Inhabitants of every such hundred, and the ffreemen of Kent County to Chuse one or two of the Inhabitants of that County. And the ffreemen of Annarundel County to Chuse one two or three of the Inhabitants of that County. And also the ffreemen of Charles County to make Choice of one or two of the Inhabitants of that County, Which Inhabitants soe to be chosen or any of them or any of the Burgesses of this Assembly may if they please without Summons meet the Governor and Counsell at S^t Maries the tenth day of October next to Consider what is fitt to be allowed for the Charges of this Assembly and also what is fit to be added to the next year's Leavies. And to make assessment of the particular charges of the Burgesses p pole upon the taxable Inhabitant of each particular County and hundred where they were Chosen respectively, and of the other General Charge and Leavies p pole upon all the taxable persons within this Province as shall be then thought fitt by the Governor and Counsell and the said parties then meeting for that purpose or the Major part of them. The Governor or his then D^yty having a Casting vote therein

W^m Stone

C. Baltemore

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Cæcilus absolute Lord and Proprietary of the Provinces of Maryland, and Avalon, Lord Barron of Baltemore &c. To our Right Trusty and Welbeloved William Stone Esquier our Lieutenannt of our said province of Maryland, And To our Right trusty and Welbeloved the Vpper and lower Howse of our Gennerall Assembly there, And to All other the Inhabitants of our said Province Greeting. Whereas Wee vnderstand that Thomas Greene Esquier (formerly appointed by vs to be one of our Councill of State there) being in September last deputed by you the said William Stone to be in your absence our Lieutenannt of the said Province did not take the Oath without any Exception to it whatsoever, (as hee ought to have don which was appointed by vs to be taken by all Persons that should be deputed in that Office, before they or any of them should haue any power, or authority to Act any thing in execution thereof. And that our Secretary there Thomas Hatton seeing the said Greene intended and resolved Nevertheless Contrary to our said Secretaryes advice to Act divers things as our Lieutenannt

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there which might much preiudice vs, produced therevpon vnto him the said Greene at a meeting of the Rest of our Councill another deputation to himselfe from you the said William Stone for the said Office of Lieutennant which you had prudently left with him to be made vse of vpon any such occasion, vpon the production whereof the former deputation to the said Greene became voide. But the said Greene notwithstanding, did not onely afterwards proceede to the Execution of the said Acts and things, as our Lieutennant, but also (as wee are Credibly informed) did insolently sweare, That although wee should send directions to the Contrary hee would doe the same, whereby hee shewed a very Great Neglect, and slighting of vs and our authority there, which wee haue reason to resent the more from him, because hee was one of the first Adventurers vnder vs to that Plantation and hath often professed himselfe a faithfull freind to vs, But by this Action as also by some other proceedings of his in the Assembly there held at St Johns in An^o p. 19 Domini one thowsand Six hundred fforty Seven (when hee preferred his owne Ends of Lucre and gaine before our honnor or proffitt as appeares by a Certificat lately sent vnto vs, inclosed in a letter from the Maior part of the vpper and lower Howse of our Gennerall Assembly held there in Aprill last, A Coppie of which Certificat is herevnto annexed) Wee have too much cause to belieue that his Great professions of affection and fidellity to vs were never reall, or in order to our good, but meerely for his owne sinister Ends and intrest. Wee doe therefore for the Reasons aboue mentioned Hereby declare All Acts and things don by the said Greene as our Lieutennant there when hee was deputed by you the said William Stone in that office as aforesaid to be voide and Null, Excepting such of them onely as you the said William Stone shall thinke fitt to confirme for our honnor and the publick good of the Province. And Wee doe also hereby from and after the publication hereof within our said Province discharge the said Greene from being of our Councill of State Commissioner of our Thresury Receiuer or any other place or imployment vnder vs there, for the future And from all the bennefitts and priuiledges therevnto, or to any of the said dignities or offices belonging, Willing and requireing you our said Lieutennant William Stone to appoint some other fitting and trusty person to be our Receiuer there till Wee shall otherwise dispose of that office And because some other able persons who are lately already come, or may [per]happs shortly come from other Parts to reside [in] our said Province before wee can have notice thereof, may be fitt to be of our Councill of State there for thei[r] assistance of you our said Lieutennant in the Government of our said Province. Wee doe therefore hereby Grant power and author-

ity to you our said Lieutennant William Stone to nominat and appoint at any tyme within twelve moneths after the date hereof any such person or persons as you shall thinke fitt to be of our Councell of State there, and to place them in the said Councell according to their severall respectiue quallities, every of whom soe to be nominated, and appointed by you our said Lieutennant as aforesaid, Wee doe hereby authorize and appoint to be of our said Councell of State there to all intents and purposes, and to haue the like powers and priuiledges as are belonging to those of our Councell of State in the said province, and soe to continue vntill Wee or our heires have notice from thence who shalbe soe nominated by our said Lieutennant as aforesaid for that purpose, And that Wee or our said heires shall thinke fitt, either to confirme or discharge them, or any of them respectiue by any warrant or writing vnder our, or our said heires hand, and Seale at Armes in or from being of our or their Councell there, and noe longer Provided that you our said Lieutennant William Stone doe not nominat or appoint as aforesaid aboue two persons to be of our said Councell of State there, and that Every such person as you shall soe nominat and appoint before he be admitted of our Councell there, doe respectiue take in open Court within our said Province the same oath of a Councellor of State in Maryland and in the same manner as wee formerly appointed it to be taken by the Rest of our Councell of State there, Which oath was annexed to a Commission for the Constitution of our Councell, of State in the said Province bearing date the twelfth August in the Seuenteenth yeare of our dominion over the said Province Annoq. domini one thowsand Six hundred fforty Eight. And Wee doe hereby also authorize you our said Lieutennant William Stone, till Wee or our heires shall signify our or their pleasure to the Contrary, to Grant Pardons from tyme to tyme in our Name vnder our Greate Seale of our said Province to all persons whatsoever (excepting all and every of the persons who are excepted or intended to be excepted from Pardon in our declaration sent thither the last yeare bearing date the Six and twentieth August in the Eighteenth yeare of our dominion over the said Province Annoq. dñi one thowsand Six hundred fforty Nyne, both for their persons and Estates, in whole or in part for all Crymes and Misdemeanors whatsoever Committed, or to be Committed by them, or any of them respectiue: Provided that all persons respectiue soe to be pardoned as aforesaid doe take the Oath of fidellity to vs and our heires (a Copy whereof is herevnto annexed) before the Passing of any such Pardon to them, or any of them respectiue to be administred by our Secretary there for the tyme being, which said Oath Wee are also willing shall in the

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like manner be administred in steed of a former Oath of fidellity annexed to our last Conditions of Plantation bearing date second of July one thowsand Six hundred fforty Nyne to all persons that shall have right, or Clayme to any land in our said Province of Maryland by vertue of those our last, or any other our Conditions of Plantacōn or Warrant from vs, in regard Wee vnderstand some Scruples hath bene made of the former Oath vpon a strong jellousie raised it seemes by some there. That by the word Propriety all the land formerly granted by vs to others in that Province should absolutely devolve againe to vs in the same manner, as if wee had never granted it, which truely Wee conceiue was a very strange interpretation of that Word, and very farr God knowes from our intention, Nor Certainly could it with any Cullour of reason much less of Justice be wrested by any well disposed person to any such sence. But Wee doe hereby declare that vpon the taking of the said Oath of ffidellity herevnto annexed by any person or persons having a Cla[yne] to any land land there, by vertue of any of our [Con]ditions of Plantation, or any other Warr[ant] our said Lieutenannt there
p. 22 for the tyme be[ing] shall haue power to Grant to them, or any of them respectiely who shall soe take the said Lands in our said Province according to our said Conditions of plantation, or other warrant from vs in the same manner, and vpon the same tearmes and conditions and noe other wise, as if they and every of them had taken the said former Oath of fidellity above-mentioned. And whereas wee vnderstand that divers Persons haue land due vnto them there before our last, and vpon o^r former Condition of Plantation, which they haue neglected to take Grants of in due tyme, Wee Doe hereby declare that it shalbe lawfull for every such Person to Claime and haue Grants of the said lands respectiely vpon the said last Conditions of Plantation So as Grants thereof bee past vnder the Great Seale, there, vnto them respectiely within the tyme limited by the said last Conditions of Plantation, and not otherwise. And in compliance with a desyre in a letter which wee lately receiued from the Maior p^t of the Vpper and lower Howse of our Gennerall Assembly held there in Aprill last Wee doe hereby Ratify and confirme such Sale and disposition of our stock of Neate Cattle and personall Estate there as was made thereof from and after the death of our late deare brother of Noble memory Leonard Calvert Esquier vntill the One and twentieth of Aprill one thowsand Six hundred fforty Nyne, Excepting our ordinance and also such other things of ours as did at that tyme (viz^t on the one and twentieth of Aprill afore-said) remaine in the hands of M^{rs} Margaret Brent vndisposed of, or that were or have at any other tyme before or since bine

sould or disposed of by her to her brother Mr Gyles Brent or to her Sister M^{rs} Mary Brent or to any other pson or persons in trust for them, or any of them. Provided allwaies that in Liewe of our said Stock and personall Estate the Cattle vnder-taken to be raised for our vse, viz^t Sixteene cowes and a Bull, by an Act passed in the Assembly held at Saint Maryes on the said one and twentieth of Aprill one thowsand Six hundred fforty Nyne and intituled An Act for the Support of the Lord Proprietary be accordingly provided & raised for vs as afore-said by an assessment of the then Inhabitants of the said province and delivered to the Commissioners of our Thresury there for our vse, at or before Aprill 1651 and not otherwise, By all which Wee doubt not but all the People there will Cleerely see how great a desire wee haue to comply with them in any thing Wee can though with much preiudice to our selfe, and how willing wee are even to departe from our selfe for their Good. And whereas Wee are informed that the said Thomas Greene abouementioned did make vse of his Priviledge of being a Councellor there to protect him from paying his debts, Thereby abuseing to our Great dishonnor our authority there, which was farr from our intention that any of our Councell should doe, not imagining that any whom wee should honor with soe great a dignity, and trust would be soe vnworthy as to make any such vse thereof. Wee doe therefore hereby declare for prevention of the like inconvenience hereafter, That till Wee or our heires shall signify our or their pleasure to the Contrary every one of our Councell or other Officers there shalbe lyable to be proceeded against legally for any debt trespass, Cryme or misdemeanor in the same manner, mutatis mutandis, as any of the Councell or the like Officers in Virginea respectiely haue bene vsually & legally for tenn yeares last past in the like cases proceeded against in that Collony of Virginea. And this wee suppose wilbe aswell a sufficient provision for the prevention of oppression or iniustice to others by any of our Councell or other officers there, as for the due Execution of Justice vpon them and every of them vpon all occasions, And in further answere to the letter to vs aboue mentioned from the said Maior part of the Vpper and lower Howse of our said Gennerall Assembly held there in Aprill last, Wee say that Wee haue caused most of those lawes, which wee had notice of were passed in the said Assembly and also of those passed in the Assembly before held at Saint Maryes in Aprill one thousand Six hundred fforty Nyne above mentioned to be engr[ossed] together in Parchment, and to be sent herewith [thi]ther, with our Assent vnto them in an Instru[ment] in writing vnder our hand and greater Seale [at] Armes therevnto annexed as thereb[y] appeares, and wherevnto for more

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certainty, [wee] referr ourselfe, wherein wee haue also giuen some power to our Lieutennant there for the tyme being [for] the Enacting and repealing of temporary lawes soe farr as Wee thought reasonable and sufficient for the satisfaction of the People there, and in compliance with a desire in the said letter to that purpose As for any other thing conteyned in the said Letter Wee referr the Assembly there to you our said Lieutenānt William Stone for answeere therevnto according to our Instruc-tions sent herewith to you and our Councell there. Wee are Sorry to vnderstand that John Jarbo one vnto whom Wee wished well, hath behaved himselfe so vnmanerly and con-temptuously towards you our said Lieutennant William Stone as appeares by severall depositions sent vnto vs this yeare hee hath done, which wee doe and haue reason to resent as an affront don vnto ourselfe, wherefore wee require you our said Lieutennant and the Rest of our Councell there to be very dilligent in vindicating our honnor on all such occasions of con-temptuous or scandalous words or accōns against our said Lieutennant there for the tyme being as spoken or done against our owne person which hee represents in that Province. In order wherevnto Wee will and require you our said Lieutennant and Councell there (in case the said Jarbo be not duly punished for his said high misdemeanor, or be vpon his submission pardoned for it before the publishing hereof, in our said Province) to cause such punishment to be inflicted on him as his offence deserveth vnless vpon publick acknowledgment of his fault in open Court there, hee doth humbly submitt himselfe to you our said Lieutennant, and Crave your Pardon for the same with good assurance of his part that hee will not fall into the like Error hereafter, but comport himselfe with that respect, duty and Obedience to you as hee and all others respectiuey vnder our Government there ought to doe, vpon which submission acknowledgment and assurance wee are willing, (but not other-wise) that this first fault of his in that kind should be pardoned in regard hee hath formerly well merritted of vs, and our said deare brother deceased, And whereas there hath bene some aspersions (as Wee are informed) lately laid vpon our said Secretary Thomas Hatton gent by one Walter Pakes Concearn-ing some words pretended to be spoken by our said Secretary in relation to the Roman Catholickes there, Wee doe hereby declare that Wee are fully satisfied of the Innocency of our said Secretary by his owne oath of Purgacōn of himselfe in that perticular lately sent vnto vs, and also by the said Letter from our Assembly abouementioned, And doe therefore Require you, our said Lieutennant and Councell there, (in case it be not already don) to doe our said Secretary right against the said Pakes according to Justice, whereby our said Secretaryes Reputation

therein may be fully vindicated from that fowle imputation which the said Pakes endeoured to lay vpon him, And in regard our said Secretary hath bene faine to neglect his owne privat occasions this Last yeare very much for the publick service of vs and the Collony there, whereby being but lately come thither and vnprovided of a settled habitation hee hath bene putt to great streights for the provision of himselfe and family, And had not (as Wee are informed the twenty Barrells of Corne which wee appointed hee should haue had out of our Rents there, the last yeare Wee Doe therefore hereby declare our Will and pleasure to be that hee shall haue the said twenty Barrells of Corne out of our next Rents due vnto vs, there, and also two thowsand weight of Tobacco out of the arreares due and as yet vnpaid vnto vs for Custome of dutch Shippes which traded there the last Cropp and shipping tyme for which wee shall giue allowance vpon the accompt of our Co[m]mission^{rs} for our Thresury there vnto whom this shalbe a sufficient Warrant and discharge in that behalf And whereas in regard of our said Secretaryes other imployments hee can hardly haue leisure to execute the place of our Attorney Gennerall there, Wee doe therefore hereby authorize and require you our said Lieutennant William Stone to appoint some other fitt person there to execute the place for the present in the same manner as [the] said Secretary was impowered to doe by his Co[m]mission from vs, to that purpose and noe otherwise till [wee] shall some other Way dispose thereof allowing reasonable fees yearely vnto him, for his paines of our Rents and Revenues there, as you shall thin[ke] fitt during his imployment therein, But in cas[e] our said Secretary can haue leisure and be willing to continue the Execution of the said Office of our Attorney Gennerall Then our Will is that he be permitted soe to doe without appointing any other therein and that he be allowed the said ffees abovementioned, Wee haue great reason to be willing, and ready vpon all occasions to gratify amongst divers others who have deserved well of vs there, John Mettcalfe gent and Lieutennant William Lewes who haue each of them made Suite vnto vs lately to bestowe the Sherriffes place of Saint Maryes vpon them respectuely, And Wee haue thought p. 26 fitt therefore hereby efficaciously to recomend both both of them vnto you our said Lieutennant William Stone to the end you may make Choice of one of them (who shall appeare vnto you most fitt) for that office, and to appoint the other of them (if you find him fitt for it) to be our Receiuer Gennerall there, or in case you find the said Lieutennant Lewis more fitt and willing (as wee vnderstand hee is) to be our and the Collonyes interpreter Gennerall there, for the Indian Tongue, and that you can prevaile with the Assembly there to consent to some

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reasonable allowance from the English Inhabitants of that Province for his paines and attendance in that employment, Wee desire that you our said Lieutennant William Stone will vse your best Endeavours in obtaineing thereof for him. And Wee doe hereby also recommend him, for that purpose to our said Gennerall Assembly desiring they will at our request take it into consideration and consent to such a Competent yearely allowance to be raised for that purpose for him as aforesaid not doubting but that as hee is very fitt for such an employment by reason of his knowledge in the Indian tongue Soe he will well deserue the same from the Inhabitants of the said province in that office. And wee shall esteeme it as a pticular respect shewed vnto vs there in by our said Gennerall Assembly. And wee will and require our Lieutennant of our said Province of Maryland for the tyme being to cause this our declaracōn to be read, to the Vpper and lower Howse of our Gennerall Assembly there, and to be published at the vsuall places of publishing our ordinances and Edicts in our said Province Given vnder our hand and Greater Seale at Armes the Sixth of August in the Nynteenth yeare of our Dominion over the said Province of Maryland, Annoq. domini One thowsand Six hundred and fifty

Ex. per Gilbtm Crouch
Secretar.

C. Baltemore

p. 27 I, A. B. do sweare that I wilbe true and faithfull Soe long as I shalbe a Member of this Province to the Right honno^{ble} Cæcilius Lord Baron of Baltemore, Lord Proprietary of the Province of Maryland and the Ilands therevnto belonging, and to his heires Lords and Proprietaryes of the same and to his Lieutennant, or Chiefe Governor here for the tyme being. And will not at any tyme by Words or Actions in publick or in privat wittingly or willingly any way derogat from But will at all tymes as occasion shall require, to the vttmost of my power defend and maintaine all such his said Lo^{ps} and his heires, iust and lawfull Right, Tytle, Intrest Priviledges, Iurisdiction Prorogative, Propriety and dominion over and in the said Province, and Ilands therevnto belonging, and over the People who are and shalbe therein for the tyme being As are granted to his said Lo^p and his heires by the late King of England in his said lo^{ps} Pattent of the said Province vnder the Great Seale of England, Not any waies vnderstood to infringe or preiudice Liberty of Conscience in point of Religion And I doe also sweare that I will with all Expedition discover to his said Lo^p or to his Lieutennant or Chiefe Governor of the said Province for the tyme being, and also vse my best Endeavours to prevent

any Plott Conspiracy or Combination which I shall k[now] or haue iust cause to suspect is or shalbe inte[n]ded against the person of his said lo^p or which sh[all] tend. any waies to the disinherison or depriv[ation] of his said lo^{ps} or his heires their Right, Tytle Jurisdiction and dominion aforesaid, or any part thereof, And I doe sweare that I will [not] by my selfe or by any other person, or pso[ns] directly or indirectly take, accept, receiue, purchase or possess any lands tenements or hereditaments within the said Province of Maryland or the llands therevnto belonging from any Indian or Indians to any other vse or vses but to the vse of his said Lo^p and his heires lords & Proprietaries of this province or knowingly from any other person, or persons not deriving a legall Tytle therevnto by from, or vnder some Grant from his said lo^p or his heires Lords and Proprietaries of this Province legally passed, or to be passed vnder his, or their Great Seale of the said Province for the tyme being Soe help me God &c.

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22 April 1650

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C. Baltemore

Wee whose names are herevnder written Doe hereby testifie vnder our hands that in the Assembly held at Saint Johns Anno 1647. Thomas Greene Esquier then Governor of this Province proposed a Bill to the ffreemen then sitting in Assembly wherein hee demanded twelve thowsand pounds of Casked Tobacco and thirty barrells of Corne, and a howse befitting his person to liue in towards his support to be levyed vpon the Inhabitants of this Province, and to be delivered to the said M^r Greene for that yeares maintenance wth allowance of ten pounds p cent to the Sherriffe for his paines takeing in levyng & collecting the said Sumē, which being denyed by the ffreemen then assembled the said M^r Greene denyed to be vnder lawe, and that hee would be only tryed by his Lord and Master, adding further that if the freemen would comply with him in his said Bill of maintenance he would ioyne with them in their protest against the lawes then pretended to be in force.

Robert Vaughan	John Hatch	Francis Posye
Cuthbert Fenwicke	George Manneres	

Concordat cum Original Exam. p me
Tho. Hatton Secr.

C. Baltemore

Cæcilius absolute Lord and Proprietary of the Provinces of Maryland and Avalon Lord Baron of Baltemore &c. To our

U. H. Right Trusty and welbeloved William Stone Esquier our Lieu-
 Journal tennant of our said province of Maryland, And To our Right
 1659-69 trusty and welbeloved the Vpper and lower Howse of our
 Gennerall Assembly there. And To all others in our said
 Province of Maryland for the tyme being Greeting Whereas
 Wee vnderstand that Certaine lawes or Acts haue bene
 p. 29 passed by the Maior part of our Gennerall Assembly there some
 in Aprill 1649 and assented vnto by our said Lieutennt William
 Stone and some in Aprill last not yet assented vnto by him.
 Wee being very desireous in what wee may to comply with
 our said Assembly from whom wee find a great desire also on
 their parts of Compliance with vs whereof wee are very
 sensible. Haue caused Eighteene of the said Acts or Lawes
 as Wee approve of to be Engrossed together in Parchment,
 and to be herevnto annexed vnder our Greater Seale at Armes
 and Signed also by vs. Declaring hereby our Assent vnto the
 said Acts or Lawes soe annexed herevnto as aforesaid And
 Wee doe hereby with the Consent of the Upper and lower
 Howse of our Gennerall Assembly there Enact them as lawes
 wthin our said Province of Maryland, willing & requiring our
 Lieuten^t there for the tyme being to cause our Greate Seale of
 the said Province to be affixed vnto them and to publish them
 as lawes there to be obserued by all People wthin our said Pro-
 vince, and the Ilands therevnto belonging for the tyme being
 vnder the penalty therein contayned. And Wee doe hereby
 Giue power to our Lieutennant of our said Province of Mary-
 land for the tyme being till wee or our heires shall signifie our
 or their pleasures to the Contrary from tyme to tyme to assent
 in our Name to any temporary Lawes to continue in force
 there for some certaine tyme onely that hee shall find necessary
 or convenient for the Good of our Collony there, Notwith-
 stand[ing] any thing to the Contrary in our Commission [to]
 you our said Lieutennant William Stone d[at]ed the Sixth day
 of August 1648. Provided Nevertheless that No lawe be
 assented vnto by our said Lieutennant there for the tyme being,
 w^{ch} shall in any kynd be Contrary or repugna[nt] to any of
 the Acts or lawes herevnto annexed, and assented vnto by vs
 as aforesaid, or to any other lawes which wee haue formerly or
 shall hereafter assent vnto by any speciall writeing vnder our
 hand and Seale at Armes and consented vnto by the Maior
 part of our Gennerall Assembly there, or which shalbe repug-
 nant or any waies trenching vpon any of the other Provisoos
 concerning the Power of assenting to lawes conteyned in our
 said Commission to you our said Lieutennant there nor preiud-
 p. 30 diciall to any of our Rights or dominion over or in the said
 Province. And Wee doe hereby declare That all such tem-
 porary lawes soe to be assented vnto in our name by our said

Lieutennant there for the tyme being, and consented vnto from tyme to tyme by the Maior parte of the Vpper and lower Howse respectiuely of our Gennerall Assembly there, shall continue in force in our said province during the tyme to be respectiuely in them limited to continue vnless wee or our heires shall declare our or their disassent sooner vnto them (respectiuely) vnder our or their hand and Seale at Armes and noe longer. And Wee doe also hereby Giue power to our said Lieutennant for the tyme being, till wee or our heires shall signify our or their pleasures to the Contrary with the Consent of the Maior parte of the Vpper and lower Howse respectiuely of our Gennerall Assembly there, from tyme to tyme, to repeale any lawes already made, or which hereafter shalbe made within our said Province Excepting all and Every the Acts or lawes herevnto annexed as aforesaid, and all others which are or shalbe assented vnto by vs or our heires, by any speciall writeing vnder our, or their hand and Seale at Armes, and published within our said province None of which wee will haue repealed or altered without our, or our heires speciall and express Assent therevnto by some writeing, vnder our or their hand, and Seale at Armes, with the Consent from tyme to tyme of the Maior part of the Vpper and lower howse (respectiuely) of our Gennerall Assembly there, Given vnder our hand and Greater Seale at Armes the Sixth day of August, in the nyneteenth yeare of our Dominion over the said Province of Maryland Annoque Dñi one thowsand Six hundred and fifty.

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Ex. ꝑ Gilbtm Crouch Secr.

LETTER

OF

CECILIUS CALVERT, LORD BALTIMORE,

August 26, 1651.



Cæcilius &c^a To our right trusty and Wellbeloved Will^m Stone Esq^r our Lieu^t of our said Province of Maryland and to our right trusty and well Beloved the upper and Lower house of our General Assembly there and to all other our Officers and Inhabitants of our said Province Greeting we cannot but much wonder at a message which we understand was lately sent by one M^r Lloyd from some lately seated at Ann Arundell within our said Province of Maryland to our General Assembly held at Saint Marys in March last but are unwilling to impute either to the Sender or deliverer thereof so malign a sence of Ingratitude and other ill Affections as it may seem to bear conceiving rather that it Proceeded from some apprehensions in them at that time grounded upon some reports in those parts of a dissolution or Resignation here of our Patent and right to that Province which might perhaps for the present make them doubtful what to do till they had more certain intelligence thereof from hence and we hope they are as willing as we that we should so understand it wherein we shall be the more Confirmed if upon finding by Letters this year from their Friends here (and in particular from M^r Harrison those Rumours and Reports to be false (as they are) which we are informd were spread their by some ill Affected Persons they shall for the future Give us better Satisfaction of their intentions and integrety towards us not only by Conforming themselves with the rest of the Inhabitants to the General Government of that Province under which they did Voluntarily put themselves but also by Concurring in all reasonable things with us for the publick peace and happiness of that Province as well as for the firm establishment and preservation of our right there and especially in those Laws which their own Burgesses in a former General Assembly together with the other members thereof have already Consented unto and unto which we farther full Satisfaction sent last year our Assent with such alterations as they themselves desired as by our said Assent under our hand and Greater Seal at Arms transmitted thither more at large appears unto which we refer you (those Laws Providing as much for the Good and Security of the People their as for our own) in Consideration therefore of a better Compliance from those People with us and our Government there for the future we shall not any further expostulate or make any further Reflection on that message till further occasion Given us by

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Liber M C them which we hope we shall never have then by putting them only in mind that a Government divided in it self must needs bring Confusion and Consequently much misery upon all the People under it wherein the Authors of such Division if it should Continue which God forbid are like to have as Great if not Greater share in the end then any others whatsoever they may fancy to the Contrary the fomentors of discord may justly expect sad Calamatys from the same if they do not in time see and rectify the same which we Conceive our selves bound in Honour and Conscience and in Justice to Our self as well as for the publick peace and welfare of the People under our Government there to provide for as well as we can that is in the first place to admonish them thereof but if that will not Prevail then to make use of our Authority with the Assistance of well Affected Persons to Compel such factious and Turbulent Spirits to a better Compliance with the lawful Government there and accordingly we do hereby will and require you our said Lieutenant to proceed with all such as shall be for the future refractory in that kind and do also require as well Our Councill and General Assembly as all other our Officers and well Affected Inhabitants of our said Province to be aiding to you therein for the preservation of the publick peace and quiet of the People there and for prevention in time of such miserys and Calamitys which may Ensue upon such divisions and in case any of the English Inhabitants of that Province shall at any time hereafter refuse or neglect to send Burgesses to our General Assembly there being lawfully summoned for that purpose we will and require all the other members of our said Assembly which shall lawfully meet upon such summons to proceed as they ought and may lawfully do in all Business belonging to a General Assembly there notwithstanding any such Refusall or Neglect as aforesaid and to fine all such Refusers or Neglectors according to their demerits & moreover in case they shall wilfully persist in any such refusall or neglect as aforesaid after they have been admonished thereof by our Lieu^t of the said Province for the time being or such as he shall from time to time appoint for that Purpose then that they be declared Enemies to the publick peace of that Province and rebell to the lawful Government thereof and that in such Cases our Lieutenant and Council of the said Province for the time being according to our trust reposed in them do efficaciously proceed against them as such and use all lawful ways and means to reduce them to their due Obedience we also understand that Sir William Barkely hath lately taken upon him to Grant a Commission to one Edm^d Scarborough of Accamack in Virginia to seat Palmers Island within our said Province and to trade with the Indians in & through our said Province

without any Lawful Authority deriv'd from us which so strange an usurpation upon our rights there as we cannot easily believe it to be true but in case the said Scarborough or any other should presume upon pretence of any such Commission to seat or trade in or through any part of Our said Province without a Lawful Authority deriv'd from us we will and require you our said Lieu^t according to the trust we have reposed in you to use your best endeavours to hinder him or them from so doing and to Seize upon his or their Persons Boats and Goods and to proceed against him or them according to the Laws of our said Province or in default thereof according to your best discretion for vindication of any such wrong done to us and preservation of our just rights there and we will and require our said Council General Assembly and all our Officers and other the Inhabitants of our said Province to be aiding and assisting to you therein as occasion shall require and whereas we understand that in the late Rebellion there One thousand Six hundred Forty and four most of the Records of that Province being then lost or embezzled no Inrollment remains now there of divers Pattents of Land formerly Granted by us in that Province which may hereafter prove very prejudicial not only to us and our heirs but also to the Pattentees of any such Lands & their Heirs and Cause many suits and Controversies in case their Pattents should by any accident be lost We therefore for Prevention thereof do hereby will and require you our said Lieutenant to issue out a Proclamation there requiring all Persons within a Certain time by a certain time therein to be prefixed to produce to our Surveyor General or his Deputy there all such Pattents from us by which they or any of them respectively Claim any Land within our said Province & that thereupon a true List thereof be delivered unto you and to require our Secretary there also to Give you a List of all such Pattents of Land formerly Granted by us are now remaining upon record whereby upon Comparing the said Lists together you may see what Pattents are not remaining upon record and to require all such Persons as Claim any Land within our said Province by virtue of any such Pattents not now remaining upon record there to Cause them to be inroll'd in our Secretarys Office there within some Convenient time to be limited by you in the said Proclamation for that Purpose and whereas we understand that Certain Indians of several nations to wit the Mattapanians the Wicomocons the Patuxants the Lamascons the Kighahnixons and the Chopticons desire to put themselves under our Protection and to have a Grant from us of a certain Tract of Land in the head of Wicocomico River called Choptico Resolving there to live together that they may neither injure the English nor the English them the said quantity of Land being as we are informed

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Liber M C about eight or ten thousand Acres which we Conceive may be a means not only to bring them to Civility but also to Christianity and may Consequently be as well an Addition of Comfort and Strength to the English Inhabitants as a safety and protection to those Indians who having been Natives and former Inhabitants of that Part of Our said Province where the English now Inhabit and not only always well affected unto them but also willing to Submit themselves to our Government we Esteem our Selves bound in Honour and Conscience to allow them according to their desire some place of Habitation there by a Title derived from us and have therefore thought fit for that Purpose and do Accordingly hereby authorise and require you Our said Lieu^t to Cause by a declaration and Command in Our Name under the Great Seal of our said Province as the said Indians above mentioned shall (with the Approbation of You and Our Surveyor General there) make Choice of to be Erected into a Mannor for the use of us and of our heirs for ever with Court Baron and Court Leet as Occasion shall require in & for the Mannor and to be Called by the Name of Colverton Mannor of which Mannor our Pleasure is that a thousand Acres in the first Place be made Choice of by our Surveyor General there in the best and most Convenient place of the said mannor and set apart as the demesnes thereof to be reserved for the only use of us and of our heirs and we do hereby Authorise and appoint our Surveyor Gen^l Rob^t Clarke Gent to be our Steward of the said Mannor and in Our name to keep Court Baron and Court leet as Occasion shall Require in and for the said Mannor and on our Behalf Grant by Copy or Copies of Court Roll Copy hold Estates for one two or three Lives of any Part of the said Mannor except the Demesnes thereof to any Indian or Indians that shall desire the same and as he our said Steward with the Approbation of our said Lieutenant shall think fit to be held to be held of the said Mannor upon such services to be done to us and our heirs by such Copyhold for the same as Our said Steward with the Approbation of Our said Lieu^t Shall Also think fit Provided that no one Copyhold Exceed Above fifty Acres unless it be to the Werrowance or chief head of every of the said Six Nations above mentioned Respectively And not to any of them above two hundred Acres a piece And that upon every Copy so to be Granted there be Reserv'd a Rent of One shilling sterling or the Value thereof to be paid yearly to us and Our heirs for every fifty Acres of Land Respectively to be Granted as aforesaid and so proportionably for a lesser or a Greater Quantity of Land which Copy hold Estates so to be Granted by the said Robert Clark Steward of the said Mannor upon such terms and Conditions & not otherwise as

aforesaid we do for us and Our heirs hereby fully ratify and Confirm to every of the said Copyholders respectively and do hereby declare that they shall be as Valid in Law to every of them respectively against us and Our Heirs as if we Ourself had immediately Granted the same And as if every One of the said Copyhold Estates respectively had been passed unto every respective Copyholder by a Grant under Our Great Seal of the said Province any former Commission Instruction or Declaration of ours to the Contrary in any wise notwithstanding and whereas by the third Article of Our last Conditions of Plantation for the said Province dated the second day of July One thousand Six hundred and forty nine there is allowed One hundred Acres to every Adventurer or Planter for every person of British or Irish descent transported thither as by the said Conditions unto which relation being had may more at large appear We understand that it may in divers respects be prejudicial to the General Good of that Colony in case so Great allowance of Land should be long Continued to all that shall hereafter Come to Plant there because by that means the People will be too remotely scituated from one another and the whole Province perhaps in a short time be taken up by a few People leaving little or no Conveniency for others to Come and add Strength and Comfort to them and therefore according to the advice of you our said Lieutenant we have thought fit hereby to declare that instead of One hundred Acres expressed as aforesaid in the said third Article of our said Conditions there shall be only fifty Acres of Land within our said Province allowed to any Adventuror or Planter for or in Respect of any person of British or other decent which shall be transported thether from and After the twentieth day of June One thousand Six hundred fifty and two which Our will and Pleasure is shall be Granted to every Adventurer and Planter respectively upon such terms and Conditions and for such proportionable Rents to be paid to us and Our heirs as are expressed in our said last Conditions of Plantation which in all other things we will shall Stand in force till we or our heirs shall declare Our Pleasure to the Contrary with such Alteration of the Oath of Fidelity therein expressed as we have formerly agreed unto by our declaration dated the sixth of August in the nineteenth year of Our Dominion over the said Province and in the year of Our Lord One thousand six hundred and Fifty and Transmitted thether the last Year and we will and require You our said Lieutenant to pursue our directions herein accordingly (our said former Conditions of Plantation or any former Commission warrant or Instruction to the Contrary notwithstanding and for the better publication and remembrance of the bounds between Virginia and Maryland and

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Liber M C Prevention of any Controversies which may otherwise hereafter happen between the Inhabitants of Virginia and those of our said Province about the same we Require you our said Lieutenant to encourage some English as soon as you can to take up such Land as shall be due unto them in our said Province by virtue of Our Conditions of Plantation or other warrant from us Near to the Bounds of our said Province according to the Mapps thereof which we sent thither about two years Since and Accordingly to pass Grants in our name under our Great Seal to such as shall desire the same of so much land in those parts of Our said Province as shall be due unto them as aforesaid especially on or near the Bounds of our said Province on that Tract of Land which is Commonly Called the Eastern Shoar lying between the Bay of Chesopeak and the Sea and also on or Near the Bounds of Our said Province that Tract of Land which lyeth between the Creek or River that runneth by Patowmeck Town called in the Mapp Patowmeck River on the South and the River which runneth by Piscattoway (called in the

P. 433 Mapps aforesaid by the Name of Piscattoway River on the North in which last tract is included as we are informed that place where M^r Giles Brent now resides called by him peace and also the Country called there the Doages and for the better Encouragement of English to make Choice of their dividents of Land and to seat themselves in the places aforesaid we do hereby Authorise and Require you our said Lieutenant to Grant in our Name under our said Great Seal to any Adventurer or Planter that shall make Choice of his dividend and Seat a Plantation of English either on the said Eastern Shoar or on that Tract of Land wherein the Doages is included as aforesaid One hundred Acres of Land in any place of either of those two parts of our said Province to him and his heirs forever for or in respect of Every Person of British or Irish descent which he shall transport from other parts into our said Province according to our last Conditions of Plantation above mentioned and upon such terms and Conditions as are therein expressed which we will shall Continue in force in all things to those two last mentioned parts of our said Province till we or our heirs shall declare our further Pleasure to the Contrary any thing herein Contain'd to the Contrary in any wise notwithstanding when we made Cap^t William Mitchell one of our Council of State in that Prov^c (which we were induced unto by his ability of understanding we Conceiv'd that he would have been a Good Assistance to You our said Lieutenant and the rest of Our Council for the better Conduct of Our Government there and did hope that according to his Serious Professions to us he would not only by his advice but also by his Example of Life have Conduced much to the Advancement of that Province

as well as to our honour and his own Reputation but Contrarily it seems he hath not only fomented Divisions but also lived a most Scandalous life whilst he was there with certain women which he carried from hence with him there leaving his wife here in a miserable Condition (all which was unknown to us till of late since his return from those Parts) and did likewise whilst he was there most prophanely in publick discourse profess himself of no Religion of all which we have by several Evidences here as well as from thence so good Proofs as we find upon our Charging him therewith since his return from thence hither he cannot make any good Justification of himself therein Wherefore we do much lament our Misfortune in Giving him any Countenance or Authority who hath so much abused the same by dishonouring us and Our Government there as much as in him lay and have thought fit to discharge him thereupon from being any more of our Council of State there as we do by these Presents declare him to be discharged from it and also from all other publick Authority of Iustice a Peace or otherwise whatsoever in our said Province requiring you our said Lieu^t not to permit him hereafter if he shall return again into our said Province to act there in any thing for the future as one of our Council of State or Iustice of Peace of Our said Province and for the more timely Prevention of any such high Offences to Almighty God and such dishonour to us and our said Government hereafter as aforesaid by any in eminent Authority there We do hereby declare that in case any Person who is or shall from time to time be of our Council of State or Commander of a County or Iustice of Peace in our said Prov^c shall (which God forbid) and we hope will never more happen) after the publication hereof there live scandalously and Viciously with any Lewd Woman or profess himself of no Religion and shall be legally Convicted of either of the said Crimes by his own Confession or the Testimony of two Sufficient witnesses or shall be twice legally Convicted by his own Confession or the testimony of two Sufficient witnesses of being an usual drunkard Swearer or Curser we do authorise and Require our Lieutenant of the said Province for the time being to suspend any such Person from being of our Council of State Commander of a County or Iustice of the Peace in our said Province and in the Room of any such Commander of the County so Convicted and Suspended to appoint some other able and fit Person to be Commander of that County whereof any such Person so Convicted and Suspended as aforesaid had Command till the Cause or Causes of such Suspension in every of the Respective Cases aforesaid and Proofs of the Suspended Persons misdemeanors be Certified to us (which we require our Lieu^t in such Cases from time to time

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Liber M C to Certify us of with all Convenient expedition) and until Our further Pleasure be known therein either for the discharging or restoring any Person which shall be so suspended as aforesaid willing and Requiring you our said Lieu^t as you tender the Glory of God our Honour and the publick welfare of that Colony to be very diligent and Circumspect in discovery of any such scandalous and evil Comportments and Misdemeanors for the future of any of our said Council Commander of a County or Iustice of Peace in our said Province as af^t and to proceed with any Offender in that Kind as you are hereby required and directed and to Cause them also to be further punished according to the Laws of that our said Province in such Cases Provided and we require all those of Our said Council from time

P. 436 to time to Give their due Attendance on our said Lieu^t at all General Assemblys and Provincial Courts in our said Province for the better Conduct of the publick Affairs and Administration of Iustice according to the Great trust reposed in them by us by which due performance of the duty of their calling they will much endear us unto them and not only Advance therein our honour and the publick happiness of that Colony but also their own reputation but in case any of our said Council being duly summoned by our Said Lieu^t there for the time being to Give his Attendance On him at any General Assembly or Provincial Court in our said Province should so much forget himself & Us & the Good of that Colony as without Leave from Our said Lieutenant or some Iustifiable impediment to forbear to Come or be absent any day from the said Assembly or Court we will and require to proceed against Such Person of Our Council who shall so forbear to Come or Absent himself as aforesaid by fining him according to the Laws of Our said Province or in default thereof according to the best discretion of him our said Lieutenant and the rest of Our said Council or the Major Part of them who shall then be present in any Such Court or Assembly when any such Person shall so absent himself as aforesaid and furthermore that Our said Lieutenant do Give us notice of any such neglect of any of Our said Council and send us Good Proof thereof to the end we may as we see Cause put others in their Room who will Give better attendance on the publick Affairs there and whereas we find that some ill Affected Persons to us and the publick peace of

P. 437 that Colony do every Year by publishing there many false Reports Concerning us and our Affairs as well as by other Subtil Means endeavour to disquiet the minds of the People there and to infuse Iealousies and doubts in our Officers & others thereby to breed diffidence and division if they can between us and them as well as amongst themselves which may in time prove to be of dangerous Consequence to the

Ensnarement of divers honest men whose intentions are Good Liber M C
were they not so deluded we do therefore will and require you
our said Lieu^t and Council to use your best Endeavours upon
all Occasions for the timely suppression of all such false
Rumours and Reports as aforesaid and to find out the Authors
and Publishers thereof and to Cause them to be Punish'd
According to their demerits and we also Recommend it to the
Consideration of our General Assembly there whether it be
not Convenient to make a Law in that Province as there is in
England for the punishment of all such as shall publish false
news to the disturbance of the minds of the People and the
publick peace for the better prevention of the Mischiefs which
by Experience have been found to be Caused thereby not
doubting but our said Assembly will be as sensible of any dis-
honour or wrong which may be done unto us by any such false
Reports as we are and ever shall be of any Prejudice which
may happen by that or any other way to them or to any of the
Inhabitants of our said Province for the better Manifestation
whereof and of our mind in all Other things herein Contained
we have thought fit and do hereby will and require our Lieu-
tenant of our said Province of Maryland for the time being to
Cause this our declaration to be read to the upper and Lower
house of our General Assembly there and to be published at
the usual Places of Publishing Our Ordinances and Edicts in p. 43⁸
our said Province Given under our hand and Greater Seal at
Arms the six and twentieth day of August in the twentieth
year of Our Dominion over the said Province and in the Year
of Our Lord One thousand six hundred fifty and one

ACTS AND ORDERS
OF THE
GENERAL ASSEMBLY
OF MARYLAND,

At a session held at Patuxent, October 20, 1654.

CECILIUS CALVERT, LORD BALTIMORE,
Proprietary.

WILLIAM FULLER AND OTHERS,
Commissioners under the Commonwealth.

Acts and orders of a Generall Assembly holden for the Province of Maryland at Patuxent the 20th of October 1654 by Commission from his Highness the Lord Protector of England Scotland and Ireland and the Dominions thereunto belonging.

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Present	{	Cap ^t W ^m ffuller
		M ^r Rich ^d Preston Speaker
		M ^r Leo: Strong
		M ^r John Hatch
		M ^r Rich ^d Wells
		M ^r Rich ^d Ewen
		M ^r W ^m Durand
		M ^r Tho. Hinson
		M ^r Edw ^d Lloyd
		M ^r Arthur Turner
		M ^r W ^m Parker
		M ^r Jno Wade
		M ^r Sampson Waring
		M ^r James Berry
M ^r Joseph Weekes		
M ^r W ^m Ewen		

The Act of Recognicōn

It is Enacted and Declared in the Name of his Highness the Lord Protector of England Scotland and Ireland and the Dominions thereunto belonging an the Authority of this present Generall Assembly. That the Reducing of this Province of Maryland by power of the Supream Authority of the Commonwealth of England Committed to Rich^d Bennett Esqr and Coll^o William Cleyborne, And the Governm^t as it is now Settled by Commission Granted to Cap^t William ffuller M^r Rich^d Preston M^r W^m Durand, M^r Edward Lloyd M^r Leonard Strong M^r John Hatch, M^r John Lawson M^r Richard Wells M^r William Parker, M^r Richard Ewen is acknowledg'd by this Assembly and freely and fully Submitted unto, And that no power either from the Lord Baltemore or any other ought or shall make any alteration in the Governm^t aforesaid as it is now Settled, unless it be from the Supream Authority of the Commonwealth of England Execised by his highness the Lord Protector,

3 Imediatly & Directly Granted for that purpose. That after

L. O. R. publication of this Act all the Inhabitants of the Province are
 No. 3 required to declare in particular & Express Termes under
 Liber B their hands there owning & accepting of the present Govern-
 4 ment and Subjection thereunto, That all such person or
 persons that deny the present Government or do either in
 words traduce vilifie or Scandalize the Same, or by action
 Secret or open disquiet oppose or disturb the said Governm^t
 Shall be accounted offenders agst the Lord Protector of the
 Commonwealth of England the peace and wellfare of this Pro-
 vince and be dealt wth according to their offence.

5. That no Commission or power shall be owned or rec^d
 in this Province other then that which is already Settled therein
 but that w^{ch} is the Supreme Authority of the Commonwealth of
 England shall Imediatly and Directly Grant and Confirme
 and whosoever shall publish any Commission, p^lamation order
 or declarac^on writts or summons which is not from the Supreme
 Authority so Granted as aforesaid shall be accounted an offender
 agst the publike peace and wellfare of this Province and Dealt
 with accordingly

Whereas m^r Thomas Hatton & m^r Job Chandler being
 Chosen Burgesses for the County of S^t Maries and Potomocke
 River and so returned by the Sheriff have appeared and
 Declared befoe the Assembly that they refuse to Sitt and Act
 p. 422 as Burgesses in respect they the said Thomas Hatton and Job
 Chandler have taken oath to the Lord Baltemore and for other
 reasons Expressed in a writeing by them Subscribed and Left
 with the Secretary. It was ordered by the Assembly that a
 New writt for a Second Choice of Burgesses for the Limit
 aforesaid should be issued to give power to the Sheriff for a
 New Election of Burgesses to Supply the default and delin-
 quency of the said Thomas Hatton and Job Chandler, And
 accordingly the Sheriff hath retured m^r Arthur Turner and m^r
 John Wade Chosen Burgesses by the unanimous Consent of
 the ffreemen Inhabiting the said County of S^t Maries and
 Potomock And the s^d m^r Arthur Turner and m^r John Wade
 have appeared and freely offered themselves to the Service of
 the Commonwealth in this Assembly & have been approved
 members qualified for that End

3 It is the mind of this Assembly that any free Subject of
 the Commonwealth shall have free Liberty not only by petition
 to seeke redress of Grievances but as also to propound things
 necessary for the publike Good (provided that it be orderly
 done)

4 An Act Concerning Religion

It is Enacted and Declared in the Name of his Highness the
 Lord Protector with the Consent and by the Authority of the

present Generall Assembly That none who profess and Exercise the Popish Religion Commonly known by the Name of the Roman Catholick Religion can be protected in this Province by the Lawes of England formerly Established and yet unrepealed nor by the Government of the Commonwealth of England Scotland and Ireland and the Dominions thereunto belonging Published by his Highness the Lord protector but are to be restrained from the Exercise thereof, Therefore all and Every person or persons Concerned in the Law aforesaid are required to take notice

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Such as profess faith in God by Jesus Christ (though Differing in Judgment from the Doctrine worship & Discipline publicly held forth shall not be restrained from but shall be protected in the profession of the faith) & Exercise of their Religion so as they abuse not this Liberty to the injury of others The Disturbance of the publique peace on their part, Provided that this Liberty be not Extended to popery or prelacy nor to such as under the profession of Christ hold forth and practice Licentiousness.

5 It is ordered and Declared by the Authority afores^d that the Inhabitants of Herring Creeke and the Clifts shall pay County Charges to that County which was formerly called Annarundell now providence for the time past and also this present year so much as appears to be due

6 Putuxent County

It is Enacted that Putuxent be Erected into a County the bounds thereof to be from the South Side of m^r Maishes Creek Commonly called oyster Creek Extending downe the Bay including all the families and Lands on the South Side of the said Creeke includeing all the Clifts with the North and South Side of Putuxent River with all the Creekes thereunto belonging and shall be Called as it is Putuxent County

7 Assemblies Every three yeares

It is Enacted by the Authority aforesaid that an Assembly be Called once in Every three yeares, not infringing the Calling of Assemblies oftner if need be, That the first in Commission shall issue out writts for the summoning of Assemblies once in three year if he do it not, then the next in Commission or any of the Quorum shall do it, and in Case none of the Chiefe Commissioners of the Province shall issue out writts for that End three months before the Setting of the Assembly, then it

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L. O. R. shall be Lawfull and the duty of the Sheriff to issue out writts
 No. 3 as aforesaid within tenn dayes after such fayler, and if the
 Liber B Sheriff be Delinquent therein, then the Courts of the respective Counties shall have power to summon the people that are Capable for the Election of Burgesses for the said Assembly and that Every Assembly so Called shall be Deem'd and accompted unlawfull Assembly

8 Publique Levies

It is Enacted and Declared wth the Consent and by the Authority of this present Generall Assembly that all publique Charges of the Province shall after this present yeare be Levied not only upon persons taxable but also upon such visible Estates in the Province as followes, all Servants as well as freemen shall be taxed by the poll (Except women Servants such as are not negroes or Indians women who are taxable

Every hundred acres of Land shall be taxable to the value of the fourth part of a poll female.

Cattle of three years old the same, male of five yeares old the same, females of 2 years the 8th part of a poll, Males of 2 years old the 16th of a poll horses and males taxable to the same as a poll.

The Tenant for yeares not to pay the Levie for th^t Land w^{ch} he so holds if the Landlord be Resident in the County, if the Landlord be not Resident in the County, The Tenant shall pay the said Levie for Land but to be allowed so much from the said Landlord or the rents of the Land

9 An Act concerning Drunkeness

It is Enacted that Every person or persons that shall be found Drunk and Lawfully Convicted shall pay for such offence by him or them Committed one hundred pounds of Tobacco to the publick use

p. 425 That all officers and Magistrates in the Province from the highest to the Lowest shall use all Lawfull meanes, to Convict such as in their presence are to their knowledge, shall be Drunke, And to bring them to such Tryall and punishment as the Law Provides, And if any such Magistrate or officer shall hear of any such offence, he shall by this Law be Enjoynd to make Enquiry thereof and bring the person to punishment.

That all and Every person or persons in this Province that shall see any one Drunk and shall not within three days make it known to the next magistrate shall be Lyable to the fine of one hundred pounds of Tobacco and Every master or mistress

of any family, Storekeeper or Shipmaster within this Province who shall Suffer Drunkeness in their house, Store, or Ship, shall be lyable to the aforesaid fine, being Lawfully Convicted thereof any person or persons that shall inform thereof shall have half the fine due by such offence as afores^d

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10 Concerning Swearing

It is Enacted that Every person or person within the Province that shall be Lawfully Convicted of Swearing shall be Lyable to pay for Every oath Tenn pounds of Tobacco which shall be discovered and brought to Tryall & punishment as is mentioned in the Act Concerning Drunkeness. And if any person or psons shall be known and Convicted to be a Common Swearer Blasphemer or Curser by any Imp^rcations whatsoever against God or man after one admonition by a Magistrate shall be Subject to such penalty or punishm^t as the Court before whom it is presented shall Determine

11 Concerning false Reports Slandering and Talebearing

All such as shall raise and publish false News & Reports to the Disturbance of the publique peace of the Inhabitants being Lawfully Convicted thereof shall pay one Thousand pounds of Tobacco and Caske half whereof shall be to the Informer and the other half to publique use and if the person soe offending shall not be able to pay the said fine then to Suffer such punishment as the Court before whome the Cognizance of such offence shall Come doe Determine That all such person or persons who by Slandering tale bearing or backbiteing shall Scandalize the Good Name of any person or persons directly or indirectly in such words and Expressions as in the Common acceptacōn of the English Tongue or such Language as is understood shall be counted Slander being Lawfully Convicted shall be Censured both by way of Satisfaction to the party Injured thereby and also to the Commonwealth for the breach of the peace thereof

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12 Concerning the Sabbath Day

Noe work shall be done on the Sabbath day but that which is of Necessity and Charity to be done no Inordinate Recreations as fowling, fishing, hunting or other, no shouting of Gunns be used on that day Except in Case of Necessity

L. O. R. Whosoever shall be Lawfully Convicted of the breach of
 No. 3 any such Law, shall be Lyable to pay one hundred pounds of
 Liber B Tobacco half whereof shall be to the Informer and the other
 half to the publique use

13 Concerning Theft

It is Enacted and Declared by the Authority of this present Generall Assembly, That whosoever shall take and Carry away any of the Goods or Chattells of any person or persons within the Province Contrary to the owners will and without th^r knowledge or Consent shall restore four fould if the person or persons (if they be able) if not then the said person or persons so offending as aforesaid shall make the said four fold Satisfaction by Servitude.

p. 427 And if any other Action accompany the said Theft, as violent assaulting the person of any breaking of houses picking of Locks or such Like Actions that are not worthy of Death he or they so offending shall be punished according to the Nature of the offence and discretion of the Court before whom Such offence or offences shall be brought to Tryall upon Lawfull Conviction.

14 Concerning Fenceing of Ground

All persons whatsoever within the Province shall Erect and make a strong & Sufficent ffence of four foot and a half high about their Corne, which the are by the Law of the Countrey Enjoyned to plant and shall keep in Repaire the said ffence, All Trespasses and Damages that shall be done to such Corne or any other Comodity inclosed in such a fence as aforesaid is Expressed shall be recoverable on him or them who shall Committ the Trespass upon the view and Judgment of two honest and Indifferent men

All and Every person or persons who shall kill hurt or whory any Cattle, hogs, or horses breaking into his Ground or Elsewhere shall make Satisfaction to the owner of the said Cattle hogs or horses for such hurt or Damage done, the said Hurt or Damage being first viewed and Iudged by two Indifferent men and presented to the Court who shall Determine the said Damage, if the who have done the Injury do not otherwise agree with those that are wronged by that meanes

15 Concerning Adultry & Fornication

Every person or persons within the Province th^t shall be found or proved by confession of either party or sufficient Evi-

dence to have Committed Adultry or fornication shall be punished as the Commission^{rs} Authorized thereunto shall adjudge and Determine not Extending to Life or member

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16 An Act Concerning a Register of
Births Marriages & Burialls.

The Names of all that shall be borne, Married or burried within the Province shall be Exhibited to the Clarke of Every Court who shall keep a Iust Register thereof who shall be allowed five pounds of Tobacco as a ffee due to him for Every such Regist^r made and kept. p. 428

17 Providence County

It is ordered and Declared that the County now Called Annarundell County shall be Called and Recorded by the Name of the County of Providence this being the first Name by w^{ch} it was knowne the bounds thereof to be Herring Creek including all the plantations and Lands unto the bounds of Putuxent County that is to a Creek called m^r Maishes Creek otherwise Called Oyster Creek

18 Concerning Ship or Vessells

All master of Ships or Vessells arriving in this Province before they trade or breake Bulk shall Signifie their Comeing into the Province and their busieness unto any of the Commission^{rs} of the Quorum, And that an officer be sent aboard by any of the said Commission^{rs} if such m^r or masters of Ships shall make knowne the end of their Coming as aforesaid. And that all masters of Ships or Vessells are required before they depart the Province to Repaire to the Secretary or his Deputy or any of the Commission^{rs} of the Quorum for their discharge of their Ship or Vessell

19 Warr with Indians

The Assembly doth Committ the Levying of men and Armes unto the Commission^{rs} of the Provinciaall Court in the Intervales of Assemblies, to be Employed in a way fencive or Defencive upon the Invations & Incursions of Indians or any other necessary and Lawfull occasion whatsoever

L. O. R.
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20 Killing of Wolves

It is Enacted and Declared that every one who shall kill a wolfe and bring the head thereof to any of the Commission^{rs} shall be allowed one hundred pounds of Tobacco from the County where the wolf shall be killed & that such Commissioners to whom the wolves head shall be brought shall Cutt out the Tongue of the said head to prevent that deceit of twice or oftner payment for the same head.

21 Stealing of Indians

Whatsoever person or persons that shall steale any friend Indian or Indians whatsoever or be accessary in Stealing them and shall sell him or them or transport them out of the County shall be punished with death, and if any shall intice pswade or attempt the stealing or Selling of any friend Indian or Indians shall be Censured according as the Court shall think fitt, and if any shall make Information thereof he shall be satisfied out of the Estate of the offendor as the Court shall think fitting

22 Selling of Gunns Powder or Shott to Indians

If any Shall be found Selling of Gunns Powder Shott or Lead to any Indian or Indians it shall be fineable according to the Nature of the fact in the Iudgment and discretion of the Commission^{rs} and it shall be Lawfull for any person or persons dwelling in this Province to take seize & apprehend all or any such person or persons Vessell or Vessells that Come to Trade in the Province are in Tradeing or have Traded with Indians for Gunns powd^r Shott or Lead. Provided they have a Commission soe to do from any of the Commission^{rs} of the Province w^{ch} are of the Quorum. And that such as shall soe seize or apprehend such Trado^{rs} Trade, or Vessell shall have one half of the Goods soe seized for their paines.

23 An Act for Discounting

All Lawfull accompts produced and proved in Court the defendants part shall hold play to the plfts suit for debt. And shall be Satisfactory to his demands, Except the said Accompt be above nine months Standing

24 Weights and Measures

It is Enacted that there shall be a Standard of weights and measures throughout the Province in Every County. And that

Every County shall take the Speediest Course that may be, for the procuring of such Standards & be at the Charge of them for their own County

L. O. R.
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25 County of Maryes in Patomake

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Upon the motion of the Burgesses of Maryes County and the Limitts thereof that the Inhabitants desires a County Commission to keep Court. It is Enacted by this present Assembly. That they may have liberty and that m^r John Hatch and the Burgesses of the said County do Seriously Consider who are men qualified for that Service & Nominat them to the Commission^{rs} of the Province, and all and Every Such persons so nominated or shall be desired and Enjoyned to be present at the next Generall Provinciall Court held at Putuxent there to be approved so as power may be Committed to them for the Conservation of the peace & keeping of Courts in the said County. And James Veitch to be Sheriff for the year Ensueing And that the same Liberty is Granted to the Burgesses of the Isle of Kent upon their Bills presented to the house Provided that this Liberty Extend not to Infringe any part of the power Committed to the Provinciall Commission^{rs} who are by the Lord Protector Impowered to order direct and Govern the affaires of Maryland

26 Concerning the Records

It is Enacted that untill other Conveniency, And for the better Conveniency of the Inhabitants of Patomock and Putuxent that the Records be Left in the hands of m^r Richard Preston and there to be kept, And that John Sutton Act as Deputy from the Secretary to attend upon all matters that Concern the Records.

27 Concerning the Militia

It is Enacted that there be a Cap^t and officers in Every County whose office Shall be to take view of Armes in Every family and that all persons from 16 yeares of age to Sixty shall be provided with Serviceable Armes & Sufficient Amunition of Powder and Shott ready upon all occasions and that Every master of families provid Armes & amunition as aforesaid for Every such Servant, And that the s^d Cap^t so Chosen or appointed have power by Commission Granted him for the Exerciseing of such persons as Afores^d and Implying them for the Service of the Commonwealth

p. 431

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28 Concerning Rights of Lands

The Assembly perceiving by the Conditions of Plantacōns which are Imposed upon the Inhabitants of this Province of the Lord Baltimore & by his Proclamation directed to his officers here, that none can hold any Land of his Ldp without violation of the Liberty of his Conscience w^{ch} he binds to take an Oath inconsistent with the Lawes of England now in force and published and so Contrary to their Engagement to his Highness the Lord Protector and the Commonwealth of England, And all those that do not take such an Oath shall Lose all their Lands as seize for his Ldps use, the Execution whereof Efficaciously to be pformed he requireth and Chargeth his Officers in own Name to attend unto, The Assembly Cannot See how they that have Rights to Land can without Collusion and deceit to him & themselves apply themselves for Rights of Land to the s^d Lord Baltimore or his offic^{rs} That all those that Transport themselves or others into this Province have a Right to Land by Vertue of their Transportation, That Every one may Enter their Rights of Land in their Severall Respective Courts, and also may Enter a Caveat for such a particular tract of Land as the have or shall, or shall take upp

29 Concerning Indians Trespass

It is Enacted by this present Generall Assembly upon the motion of Maryes & Potomack. That is shall be Lawfull for any person or persons within the Province to take away from any Indian or Indians, That shall Come within the Libertys and bounds of the s^d persons Lands, their Gunns power & Shott, and that none shall Entertaine Indians into their houses Except they Come upon the publique Treaty, which is meant only of the Susquahannars and the Emperor of Pascataway and that as far as may be, the Indians have Notice of the Act.

p. 432

30 An Act against Fugitives

It is Enacted by this present assembly That whosoever being a Servant by Indenture Shall Convey himself or herself out of the Service of his or her master, mistriss or Dame by running away or Departing privatly out of the s^d Service, shall Double the time of his or their absence over and above the Damages and Cost to be adjudged by the Court which shall be sustained by such unlawfull Departure whereof Iust prooffe shall be made, And that all such as shall be accessory to such Servants Running away either by inticem^t pswasion promise Contract or

approvem^t shall be Censured as the Court before whom such Accessaries shall be Impleaded and convicted according to the Nature of the offence by the Discretion of the Court. And any hired Servant so Departing from Service as afores^d shall double the time of his or her unlawfull Departure & absence to his or her s^d master or Dame, over & above the Damages and Costs which shall be sustained by such unlawfull Departure to be adjudged by the Court, whereof Iust prooffe shall be made, And any one which shall Transport any hired or Covenant Servant out of the Province shall pay Double Cost & Damage to the party Grieved for such Servants absence out of the Province, And Every hired Servant or Apprentice that shall absent himself out of the Service of his or her master or Dame, & During such absence shall be resident within this Province shall double the time of his or her absence of Service to his or her master or Dame, And Every Inhabitant within this Province that shall knowingly harbour or Entertaine Such Servant or Apprentice during such Absence to the prejudice of his or her master or Dame, shall for so Doing be fined or Censured at the Court before whom such case Depends shall think fitt, And Every person and persons that shall Transport or carry away or cause to be Transported or carried away any freeman out of this Province without a pass that is or shall be ingaged here shall be Liable to Satisfie all such Debts Engagements and Damages to the person or persons to whom the same shall be due respectively in this Province unless the same be otherwise Satisfied in convenient time or that in short time he cause or procure such freeman to returne againe into this Province whereby he may be Liable to Iustice here.

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31 Delivering of Gunns to Indians

It is Enacted by the Authority of this present Assembly that no Inhabitant of this Province shall Deliver any Gunn or Gunns or Amunition or other kind of martiall Armes to any Indian born of Indian Parentage for the killing of meat or any other use upon paine of forfeiture of one thousand pounds of Tobacco And Caske to publique use, And Loss of the parties Gunn to him that shall make Seizure thereof or take the same from such Indian or Informe or make prooffe thereof

32 An Act Concerning planting Corn

It is Enacted by this present Assembly that Every Taxable person planting Tobacco shall plant and tend two acres of Corne, upon forfeiture of Every two acres not so planted and

L. O. R. tended of a fine of two hundred pounds of Tobacco, and fifty
 No. 3 pounds of Tobacco for Every half acre that he shall fall short
 Liber B of so planting and tending to the publique use, Provided, That
 persons shewing Iust and Lawfull cause, why he shall not plant
 & attend such Corne as aforesaid such person shall be relieved
 herein according as the Court shall think fitt. And that Every
 Constable within his Limitts shall take one Sufficient able man
 with him and shall view Every man's Cropp and for his paine
 therein he shall be allowed and paid by Every offendo^r against
 p. 434 this present Act fifty pounds of Tobacco for Every Acre which
 he or they shall fall short of the proportion aforesaid, And to
 be Divided betwixt the Constable and the person so assisting
 him. It is further Enacted that Every constable shall take view
 of all person's Corne within their respective Limitts between
 the middst of Iuly and the midst of August, And for Every
 family that shall be neglected by the Constable as afores^d the
 Constable shall pay fifty pounds of Tobacco to the publique
 use for Every such default; And if any constable being Law-
 fully called or required to that office shall reject or refuse the
 same Except he shew Sufficient Cause he shall be Counted as
 an offendo^r against the publick weale of this province and shall
 be punishable according to the nature of the offence in the
 Iudgm^t and discretion of the Provinciaall Court or whom they
 shall Impower for that purpose

33 An Act Concerning Strikeing Officers and other offences

Every person striking any officer Jurer or wittness in pre-
 sents of the Court or strikeing any other pson with a drawn
 weapon in presence of the Court or Magistrate in or for
 doing of his office may be Judged to lose his or her right hand
 or to be burned in the hand or to be put to any other Corporall
 shame or Correction not Extending the life or be fined as the
 provinciaall Court or other Iudge Thereunto Authorized shall
 think fitt, Every person that shall strike a high Sheriff of a
 County or any other officer in or for Executing of his office
 shall be fined or Censured as the Court aforesaid shall think
 fitt, Every one givinge false wittness upon Oath or hireing or
 perswading another to give such false wittness upon oath shall
 be nailed to the pillory and loose both Eares, or put to some
 other Corporall Shame or Correction not Extending to Life
 but as the Court shall Adjudge

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34 Concerning the Secretary's & Sheriff's ffees

It is Enacted that the Secretary and Sheriffe's ffees shall con-
 tinue as they are already Enacted in this Province

35 An Act against Ingrocers

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It is ordered and Enacted by the Authority of this present generall Assembly, That no person or psons within this province may or shall buy bespeak promise or Contract for any Goods or Servants brought into the Province with an intent to sell the same within this Province in the space of one whole year after at greater price than he bought them at, unless such Goods or Servants were so bought, bespoken promised or Contracted for, Seven dayes after the Arrivall of such Goods or Servants within the province if it were in any Pinnice or Vessell of Lesser burden then fifty Tunns or Twenty Eight days after the Arrivall of such Goods or Servants, if it were in any Ship or Vessell of fifty Tunn or above, and then not for more gain then twenty five in the hundred for next years pay. Except wine or other Provisions to be Expended in any Ordinary within this Province, for which they shall not be allowed above fifty p cent gaine, And all offendo^{rs} herein shall be adjudged to pay one third part or value of all such goods and Servants bought & Sold to the Contrary hereof to the party informing or prosecuting and able to make Iust prooffe thereof against such offendo^{rs} and the other two parts of all such Goods or Servants or value as afores^d Shall be forfeited to the publique use.

36 An Act prohibiting forreigners to
Trade in the Province

It is ordered with the consent and by the Authority of this Generall Assembly That no forreigner either English or Indian shall presume or attempt to hunt in any part of this Province or kill any Venison or other game, upon paine of forfeiting the one halfe of all such boates Canoes Gunnes or Amunition brought to the intent aforesaid, and Venison or other meate so unlawfully killed and Shall also be Imprisoned During the pleasure of the Court where they shall be apprehended the other half shall be allowed to the party or partys so taking paines therein that shall seize or apprehend such unlawfull hunters or other Goods or Amunition as aforesaid. And Every Comand^t or Chiefe Com^t in the County shall have power by vertue hereof to grant warrants or Licence to any person or persons Desireing the same, to raise men force Sufficient for the apprehending all Such unlawfull hunters as aforesaid

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Acts Repealed viz^t

Act concerning Religion

Act concerning Attachments & Executions

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Act concerning Coll^d Cleyborne
Act concerning deserted plantacōns & Seatings
Act concerning Inegos ffort
Act concerning Mutinies & Seditious Speeches

37 Accompts without Specialty

It is Enacted and Declared by the Authority of this present Generall Assembly That one bargains Contracts or accompts without Specialty which are above nine months standing shall be recoverable which is to be understood as well of Dead men's Estates as otherwise

38 An Act for all Servants Comeing into the province with Indentures

It is ordered & Enacted by the Authority of this present Generall Assembly, that all Servants Coming into this province without an Indenture or Covenant if they be above the age of twenty yeares shall serve four yeares from 16 years of age unto twenty six years, from twelve to Sixteene, shall serve seven yeares, if they be under twelve, they shall serve untill they come to the age of one & twenty years

All masters and owners shall bring or Cause to be brought Such as afores^d Servants at or before the third Court in their respective Counties, To the End that the said Court may Judge of their age which shall be Entred in a Book of Record to be kept for that purpose and the Clark of the Court shall have three pounds of Tobacco for Every such Entry, and in case
p. 437 either party find himself agrieved at Such Determination they or either of them shall have Liberty all the time of such Service, to procure a Sufficient Certificat of such person's age who shall Serve according to Such Certificat, And all persons having Servants with Indentures, whether by Indenture or purchase, shall within the afores^d time bring or Cause to be brought such Servant with his Indenture into the said Court before a Justice who shall Certifie the same to the next Court. And there Record the said Indentures with the knowledge of the Servant, and the Clarke shall have the like fee as formerly, to be paid by the master of the s^d Servant

That all Servants at the Expiration of their Severall times of Service (if there be no other agreement) besides their old Cloathes shall be allowed one Cloth suit one pair of Canvis Drawers, one pair of Shoes and stockings one new Hatt or Capp, if he hath not one Sufficient at that present, one falling Axe one weeding Hoe, two Shirts and three Barrells of Corne,

and if there be any agreem^t to the Contrary hereof, the allowance shall be according to the bargaine and Contract made between the master or owner, And the Servant, And if the Servant or Servants shall be Assigned over or hired to any person or persons whatsoever he or they with whom such Servant or Servants shall serve to the Expiracōn of his or their time of Service shall by vertue hereof be Compelled to pay and Satisfie his or her the said Servant or Servants, Severall dues by Indenture or otherwise.

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39 Concerning Treating with Indians

It is ordered by the present Generall Assembly That m^r Richard Preston, m^r William Parker, m^r John Lawson, m^r John Hatch, m^r Sampson Waring m^r Cuthbt Phenwick, m^r John Wade, m^r Arthur Turner m^r William Parrott or any six of them are Authorized by vertue hereof to treat with the Indians Empiro^r as in their Discretion they shall think fitt, Concerning the former Articles Concluded with him or to make others if need shall require, And it is further ordered that in case the afores^d persons do not meet according to appointment by m^r Richard Preston, then the said m^r Richard Preston shall have power to make Choice of such as in his discretion he shall think fitt for his assistance, And that the ablest Interpreters be p. 438
procured to be with them in their Treaty and Service aforesaid.

40 Concerning Administration

It is ordered by the Assembly that where Administration is Granted to Creditorships on the Estates of such as dye intestate, if it shall appear to the County Courts that the Estates is much indebted & shall find Sufficient reason to move them thereto, the said Courts respectively shall cause the s^d Estate to be Sold at an outcry, for the better Improvem^t of the said Estate and payment of the debts, And for the better Disposing of such Estates as are of persons dying intestate, where widdows and children are interested therein, the County Court shall appoint and dispose one half of the said Estate to the child, and the other half to the widdow, And if there be more Children then one, then one third to the widdow, And the remainder in Equall proportion to the Children, if Children be under age and destitute of parents the Court shall appoint them Guardians where any decedent has by will in writing or by word of mouth bequeathed his Estate to the disposing of his wife, and noe Legacie left by him to his children, in case

L. O. R. the said widdow doe not in convenient time allott forth
 No. 3
 Liber B porcōns to the Children and Record the Same in Court In
 Every such case the Court shall have power to appoint and
 allow porcōns to such Children as aforesaid

41 M^r Robert Brooke's Petition
 for his charge on the Publique

Upon the Petition of m^r Brooke in relation of his Expence, being Employed in the Commission, It is Ordered That allowance of one Thousand pounds of Tobacco in full Satisfaction shall be made to him out of the ffines, and in the mean time the Assembly doth disburst the same untill such fines shall Accrew & be found to be answerable to the publick againe

42 It is ordered by the Assembly, That whereas some Charge hath been brought to this house by the Sheriff occasioned by
 P. 439 the default of the Burgesses of the County of Maryes and Potomock viz^t m^r Thomas Hatton and m^r Job Chandler, so that there was a necessity of proceeding to a new Election, That this Charge cannot be Levied on the whole, but where there where the default was made that is in the County of Maryes and Potomock, and if the fault appear not to be in the Electo^{rs} but in the said Hatton & Chandler then the said County hath Liberty Granted to recover the Charge on the Delinquents.

43 Concerning Orphan's Estates

It is Enacted by the Authority of this present Assembly That all persons that have any Estate of Goods Chattells or Lands in their possession belonging to any who are under age, Shall Exhibit an Inventory and Accompt of the said Estates, within three months after the publication of this Act, to the next monthly Court or to the Provinciall Court, And in case Such persons who have such Estates in their hands do not at the time aforesaid present the Inventory and Accompt of such Estates as aforesaid, they shall be liable to such Censure as the Court shall think fitting or to take the s^d Estates out of the hands & possession of such as they shall see Cause.

44 Whereas by a proclamation published and Recorded in this Province by speciall order and Command from the Lord Baltemore all the Inhabitants that will not within three months take that oath which is imposed by his Ldp requiring them to Acknowledge him to be an Absolute Lord of this Province, and to have Royall Jurisdiction here shall have their Lands

seized to his s^d Ldps use, And whereas Likewise the s^d Ld Baltimore hath Declared Such as have not or shall not Comply with his Government to be Rebels which alsoe is upon Record, This Assembly doth Declare that the said Proclamations and Declaracōn afores^d made by the s^d Lord Baltimore and Recorded is null & void and of none Effect (to Such intents & Actions as are mencōned therein, And that Act of Recognition Confirmed by the Assembly & Expressed in the Acts is firm agst all or any such Declaracōn.

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45 It is ordered and Enacted that all suits actions and Tryalls that had dependance in any Court of Judicature in the Province before the Resignation of this province into the obedience of the Commonwealth of England shall receive no Damage or discountenance by reason thereof but shall remain Effectuall to all intents and purposes in Law as if there had no such alteracōn been

It is ordered and Enacted, That all Suits actions and Tryalls that had Dependance in any Court or Courts of Judicature in the Province before the Reducement of this province into the obedience of the Commonwealth of England shall receive no Damage or Discountenance by reason thereof but shall remaine Effectuall to all intents and purposes in Law as if there had no Such Alteration been

Accompts of Tobacco Levied upon the Publique to be paid by the Severall Countys thereof to persons as followeth viz^t

	By the County of Provindence	1 Tob. 5635
To m ^r Sprye		1600
To m ^r Strong Caske		0450
Two Boats & hands sent to the Susquahannah ffort		2000
To m ^r Secretary as Clarke to the Assembly		1000
To m ^r Durand in part of 300 ^t for {		
Recording Acts		0080
To Collection of the Sume aforesaid		0505

By the County of Kent

	1 Tob.
To m ^r Wells by Assignm ^t from m ^r ffox	1263
To Collection thereof at 10 ^t p cent	0140
	<hr/> 1403 <hr/>

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By the County of Putuxent

To Hugh Hopewell for coming to the Assembly	1 Tob. 0040
To Esqr. Brooke Assigned by him and m ^r } ffox to m ^r Wells }	0965
To Cornelius for attendance by his pson & sloop	0960
To m ^{rs} Eltonhead for pvision & a man to fetch the negro	0230
To Richard Collett Employed therein	0180
To M ^r Harris for Boate Hire	0120
To James Veitch in part of pay for Sev ^{ll} offices done	0084
To m ^r Vtie for powder	0632
To Collection of the Sumes	0357

3568

By Potomock County

To James Veitch Rests Due	1 Tob. 9000
To Governo ^r Bennett upon the Susquahannah Treaty	3808
To John Shanks 15 dayes	0300
To m ^r Wells by Assignm ^t and Boat hire	0882
To Cap ^t Smith Summoning the Election	0300
To m ^r Chandler bringing Indian prisoners	0300
To James Veitch 2 Summons	0300
To m ^r Hammond Employed therein	0300
To Cap ^t Smith his Expence & paines in taking the List	0500
To m ^r Johnson for Expence of the Burgesses	0906
To m ^r Richard Preston	0180
To m ^r Secretary for Recording of Acts	0220
To Collection	0900

9000

ACTS AND ORDERS
OF THE
GENERAL ASSEMBLY
OF MARYLAND,

At a session held at Patuxent, September 24, 1657.

CECILIUS CALVERT, LORD BALTIMORE,
Proprietary.

WILLIAM FULLER, AND OTHERS,
Commissioners under the Commonwealth.

Acts and Orders of a Generall
Assembly for the Province of Maryland
At Patuxent the 24th of September 1657.

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By Commission from his Highness the Lord Protector of
England, Scotland, Ireland with the Dominions Thereunto
belonging

Present	{	Cap ^t Richard Ewens Speaker	{	Cap ^t Tho: Besson
		Cap ^t Robert Vaughan		m ^r Peter Sharpe
		Cap ^t Robert Slye		Cap ^t Phillip Morgin
		Cap ^t Joseph Weekes		m ^r Mich Brooks
		M ^r Robert Taylor		m ^r James Johnson

The Acts of Recognition owned
and Assented unto

It is Enacted & Declared in the name of his highness the
Lord Protector of England with the Dominions thereunto
belonging and the Authority of this present Generall Assembly
that the Act of Recognition is acknowledged by this Assembly p. 44²
and fully and freely Assented unto, and that after Publication
of this Act, All the Inhabitants of this Province are required to
owne, and faithfully to Submitt themselves thereunto

Acts Repealed viz:

An Act concerning pub Levies upon the visible Estate of
the Inhabitants

An Act concerning Theft

An Act concerning births Marriages and Burialls

An Act concerning Sheriffs and Clarks ffees

Concerning Pub: Charge

It is ordered Enacted & Declared in the Name of his High-
ness the Lord Protector of England &c. and by the Authority
of this present Generall Assembly that all publick Charges of
this province shall this present year be Levied upon all person
taxable p pole and all men Servants that are or shall be brought
into this Province for the future of what age soever they be
shall be Taxable p pole as aforesaid.

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Concerning Ground Leaves

It is Enacted and Declared in the Name of Highness the Lord Protector of England & And by the Authority of this present Generall Assembly that after this present year or the first of June next Ensuing the publication of this Act, That no Ground Leaves or Second Crops of Tobacco be made within this Province. And whosoever Shall be found Culpable of the Same, and Shall pack it in any Hogshead or any other Caske, or by any other wayes or meanes shall beguile or deceive any thereby, Shall for Every Hogshead or Caske wherein any Ground leaves or Second Crops be found either by themselves or amongst other Tobacco. For a ffine shall pay one thousand pounds of Tobacco and Caske for Every Hogshead or Caske so packt, and Sufficient prooffe made thereof one half of the aforesaid fine to be payable to any that shall informe and the other half for the publique use of the County where Such offences are Committed

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An Act concerning Sheriffs and Clarkes ffees

It is Enacted and declared in the Name of his Highness the Lord Protector of England &c: and by the Authority of this present Generall Assembly that clarks & Sheriffs ffees Shall after the Publication of this Act be Charged and paid of all the Inhabitants of this Province as followeth

Clarks ffees		Sheriffs ffees	
for any Warr ^t or Sum ^m :	^{H Tob.} 08	for Serving a writt or warr ^t :	^{I Tob.} 10
for Entring anything upon	} 08	for taking Bond	05
Record not Exceeding		Imprisoning or Release	10
half a Side	} 16	Tending upon a prison ^r p	20
for a whole Side		day	
for Copying anything out	} 12	Collecting pub: Duties p	10
of the Record the Same		cent	
as for Entry	} 12	Serving Execucōn or at-	} 10
for Sumōns of a Jury		tachm ^{ts} for any debt	
		not Exceeding 100 ^{I Tob}	10
		debt not Exceeding 500	20
		not Exceeding 1000	40
		And So Every Thousand	
		of Tob 40 p Thousand	

An Act Concerning Regulating
of Attachments and Executions

L. O. R.
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Whereas Divers Inhabitants of this Province have been burthened and Grieved with Attachments. It is Enacted and declared in the Name of his Highness the Lord Protector of England and with the Assent and Authority of this present Generall Assembly, that no attachment Shall or may be laid upon any the Goods or Chattells of any the Inhabitants of this Province Except the true owner thereof be not at the Same time resident or dwelling in the Province, or that the partie Indebted return a positive answer upon a Iust demand of any Iust debt, that he will not pay the Same debt and this to be proved by the Testimony of one Sufficient wittness upon oath of his refusall to pay the said debt or debts, That then Attachm^t may be served upon any Tobacco of the Debtor or Debtors denying paym^t as aforesaid, And whosoever Shall attach more then a fourth part over and above the value of the debt Shall bear the Damage of the Attachment and Damages of the partie.

And Be it Further Enacted that no Execucōn may or shall be laid upon the Goods and Chattells of any the Inhabitants or p. 444 other Dwellers of this Province So farr as to deprive them of all Livelyhood for the future. But that corne for necessary maintenance and bedding, Gunn, Axe, Pott and necessary Laborius Toolles with Such like houshold Implements and amunition for Subsistance shall be protected from all attachments or Execution Soe long as he or they Shall be resident and inhabit within the Province Provided that such as shall be found by prooffe or other Circumstance willfully to absent themselves into the woods or other where from the Sheriffs Sight whereby they cannot be brought to a Legall Tryall And such also as shall be intended to depart or flee out of the Province to be averr'd upon oath Shall have no benefitt of this Law, But that Executions or Attachments may Issue forth upon all or any of their Goods and Chattells

An Act concerning Poplers Island

It is Enacted and declared in the Name of his highness the Lord protector of England &c and by the Authority of this present Generall Assembly That the Island commonly called Poplers Island Lying near unto the Island of Kent be adjoyned unto the County of Kent, and from hence forth be of all persons so accounted, and taken to be

L. O. R.
No. 3
Liber B

An Order of Assembly

It is Agreed and assented unto by the major votes of this Assembly that all necessary Charges that was occasioned by the Disturbance of Cap^t Iosias Fendall, Relateing unto the disquiett and Disturbance of the publique peace of the Province Shall be paid and Discharged by a publique Levy in the said Province and likewise the Charges and Execution of those persons that was Executed at Providence for Murthering their master M^r Parr

An Order of Assembly

p. 445 It is ordered and Declared in the name of his Highness the Lord Protector of England &c with the Assent of this Generall Assembly, that Cap^t Richard Ewen, Cap^t Thomas Besson, Cap^t Ioseph Weeks, are appointed and required as a Committee to question, and call to accompt any person whatsoever in the Province, that have received or disposed of all, or any part of the fines, Amerced upon any of the Disturbers of the publick peace, of the Inhabitants of this Province in the last Engagement, And that all the Sheriffs in their respective places and Countyes within this Province as aforesaid, are likewise required by vertue of this order, to give and Deliver a Iust acc^t to the afores^d Committee of all and Every part of the afores^d fines by them Received or to whom they are paid, or by whom they are disposed, which foresaid accompt to be made and given to the fores^d Committee or any one of them by the first of Ianuary next, And it is further ordered by the Authority aforesaid that the said Committee are required in the Speedy Dispatch of their Charge and trust Committed unto them as aforesaid, faithfully to Declare and make manifest all and Every thing that shall be in their own knowledge, or that shall be Delivered or declared unto them, and return a Iust and full accompt and report thereof unto m^r Michael Brooke or m^r Peter Sharpe before the Provinciall Court, to be holden at Putuxent in march next, which foresaid Report is there to be presented to the Provinciall Court as aforesaid to their consideration in the premisses as far as may tend to the publick Good, That they may receive farther Satisfaction therein

An order of Assembly

It is ordered, and Assented to by this Generall Assembly, that any of the Inhabitants of this Province may use any Lawfull wayes or meanes in any kind whatsoever for the killing and destroying of wolves. And Notwithstanding any Act to the

contrary any of the Inhabitants may Employ any one Indian as
in their own Discretion they may have Cause for the killing
and Destroying of wolves as aforesaid. L. O. R.
No. 3
Liber B

It is thought fitt by this Committee that the two Servants
Stockden and Guneon be freed from the Publique Levies, only
for their own particular persons p. 446

An Order of Assembly

Whereas the Commission of the County Court of S^t Maryes
and Potomocke is not attended unto. And whereas divers
Inhabitants in those Counties may have Tobacco due to them
which are to be paid them by way of County Levies for kill-
ing of wolves, and according to Act of Assembly in Such cases
Provided, This Assembly doth therefore order whatsoever person
or persons within the s^d Counties of S^t Maries and Potomock,
that have any Tobacco due unto them payable out of the said
Counties are to repair to m^r John Hatch & Cap^t Robert Sley
(at the house of Cap^t Rob^t Sley) upon the last day of this
instant october, which Said m^r John Hatch and Cap^t Robert
Sley are hereby Impowered to allow all Iust demands to any
person or persons within the Said Counties for the killing of
wolves &c: And to charge the Said Demands upon Each
respective Counties of S^t Maries and Potomock which is to be
Levied by the Sheriffe with the Publick Levies according to act
of Assembly in that case provided.

An order of Assembly

It is Assented and Declared by this Generall Assembly that
32^l of Tob p pole be raised and Levied by the Sheriff of this
Province, to Satisfie and Discharge these particular accompts
and Charges of the publick as followeth viz.

The Charges concerning Cap ^t ffendall relating	}	9234
to the Disturbance of the present Governm ^t		
Charges of the prisoners at providence & their	}	5913
Execution for killing their master m ^r Parr		
m ^r Spry for his charge of Dyett & curing of wounded men		2000
To m ^r Hostkeys for Shoës & Stockings delivered the	}	0244
Soldiers in the Service of Maryland		
Allowed Iohn Cobreth for use of his boate		0200
Allowed widdow Besley for her Reliefe her	}	4000
husband being Slain in the Publique Service		
Leaving behind him four Small Children		

L. O. R.	Allowed Cap ^t Henry Keen in part of his Expence	}	0600
No. 3	upon publique Service		
Liber B	Allowed Iohn Wallcott for attending & dressing Thirty	}	1700
p. 447	two prisoners		
	Allowed Robert ffrancklin being Lane		0700
	Allowed Iohn Underhill for the Loss of his Crop being	}	0650
	likewise Lane		
	Allowed George Whittle who was likewise wounded		0350
	Allowed m ^r Preston for Charge of Treaty with the Indians		0403
	Allowed to the Clarke of the Assembly		0600
	Allowed the Door keeper		0200
	for the Dyett of the Guard at the Assembly		0180
	To Providence County for Tobacco paid the Guard in	}	6000
	Anno 1655		

Debts due from the Publique to be paid at
Providence

To the widdow Besley	2000
To Iohn Underhill	0650
To Thomas Besson	3000
To m ^r Norwood	4590
	<hr/>
	10240

Due from the Publique to be paid
at Kent

To m ^r Spry	1400
To Andrew Skinner Clarke of the Assembly	0600
To m ^r Norwood	0414
To the Sheriff of Kent for Collection	0270
	<hr/>
	2684

Due from the Publique to be paid
at Putuxent River

To m ^r Belleher	0506
To m ^r Sprye	0600
To Iohn Wallcott	1700
To George Whittle	0350
To m ^r Belcher	2000
To Gassaway and ffisher	0600
To m ^r Preston	0403
To Henry Ashley	0200
To m ^r Norwood	1342
To John Cobreth	0200
To Cap ^t fuller for defraying the Charge of his Guard	3043
	<hr/>
	10944

Due from the Publique to be paid
at Potomocke River

L. O. R.
No. 3
Liber B

To widdow Beasley	2000
To Robert ffrancklin	0700
To Iohn Underhill	0300
To m ^r Beard	1000
To m ^r Belcher	0792 p. 448
To m ^r Dorrington	0920
To Cap ^t Waring	0300
To m ^r Hostkeys	0244
To Cap ^t Keene	0600
To m ^r Belcher	0403
To Cap ^t Waring	0180
To Cap ^t fuller for Defraying the Charge of his Guard	2954
To Cap ^t Waring for Sallary of Putuxent and Potomocke	2340
	<hr/>
	1236

Severall Charges to be Satisfied by
way of Levie out of the County of Putuxent Viz.

ffor the Burgesses Charges	3293
ffor m ^r William Berry for a wolfe	0100
ffor George Newman for a wolfe	0100
ffor Richard Preston Iunior for a wolfe	0100
ffor Anthony Le-Compte for 3 wolves	0300
ffor Iohn Bagbey for two wolves	0200
ffor Hugh Hopewell for three wolves	0300
ffor Fran: Billingsly for one wolfe	0100
ffor m ^r Stockley for Gosegrace for one wolfe	0100
ffor the Sheriffe Iames Veitch for Severall writts & busieness done for the County }	0490
ffor Cap ^t Waring for taking the List and Election of Burgesses }	0400
for Robert Harwood for going with a message up to Cap ^t fuller from the Court }	0100
ffor Cap ^t Waring for Collection	0600
ffor m ^{rs} ffenwick for her trouble and Charge in Enter- taining and Setting people over the River }	0500
To the Clarke for Recording Severall Acts &c.	0161
	<hr/>
	6844

ACTS
OF THE
GENERAL ASSEMBLY
OF MARYLAND,

At a session held at St. Leonard's, April 27, 1658.

CECILIUS CALVERT, LORD BALTIMORE,
Proprietary.

JOSIAS FENDALL,
Governor.

March 24th 1657

L. O. R.
No. 3
Liber B
p. 407

Writt to Iohn Norwood Sheriff of the County of Annarund^{!!} for the Choice of Burgesses or delegates for an Assembly to be held the 27th April at S^t Leonards in the County of Calverton Then & there Ret.

Idem to Iohn Coursey Gentⁿ for the County of the Isle of Kent

Idem to William Coursey Gentⁿ for the County of Calverton

Idem to Nicolas Gwither Gentⁿ for the County of S^t Maries

Acts made at a Gennerall
Assembly held at S^t Leonards be-
ginning the 27th of Aprill Anno
Dñi one thousand Six hundred
fifty Eight

U. H.
Journal
1659-69
p. 54

Whereas the Right Honno^{ble} the Lord Baltemore Lord and Proprietary of this Province by his Commission and Instructions to his Lieutennant and Principall Secretary vnder his Lordships Hand, and Greater Seale at Armes bearing date the Eighteenth day of November Anno Domini one thousand Six hundred fifty Seven. Did Giue power to the said Lieutennant and Secretary to treat with, and ratify and Confirme such Articles as should be agreed vnto betwixt them, and the Commissioners in whose hand the Government then was. And whereas the Government hath been delivered into the hands of the said Lieutennant and Secretary for the vse of the said Lord Baltemore vpon Certaine Articles agreed vpon, betweene the said Lieutennant and Secretary and the said Commissioners bearing date the twenty ffourth of March one thousand Six hundred ffifty Seven, Signed and Confirmed by his Lops. Lieutennant and Secretary, vnder his Lordships Great Seale of the Province as followeth (vizt.)

p. 55

Articles agreed vpon & Consented to by Captaine Josias Fendall Lieutenant of this Province of Maryland & Philip Calvert Principall secretary of the same for and in the behalfe of the Right Hon^{ble} Cæcilius Lord and Proprietary of the Provinces of Maryland and Avalon &c. vpon the Surrender of the Government of the said Province to his Lordships said officers by Cap: William Fuller M^r Richard Preston &c this 24th day of march in the yeare of our Lord 1657.

Liber H. H.
p. 17

Liber H. H. Imprimis That All ministers of Justice & officers military with all other persons whatsoever be & remaine indemnified on both Sides and freed from any Charge or questioning for any act or passage made or don in the transactions of the affaires of this Province since the first of December 1649 to the day of the date aboue written without further consideracō of restitucōn or satisfaction to be required or made on either side.

2 That all sherriffes & Clerkes fees as well as the Secretarys, Which Sherriffes Clarkes & Secretarys haue bin made since the yeare 1652, shall be pay'd theyr due fees, & arreares thereof: And that all Leavys & Taxes & Arreares of the same raised & levyed by the two last assemblys viz in the yeares 1654 and 1657 and in euery County theyr respectiue County Charge be fully satisfyed & payd to whom they are appointed.

U. H. Journal 1659-69 p. 56 3. That no person whatsoever within this Province shall (by reason of Any Act, or Passage made or don in relation to the late Alteration of the Government made in the yeare one thousand Six hundred fifty two, bee deemed or hereafter made vncapable of Electing, or to be Elected to all future Assemblyes

4^{ly} That No Act or Order of Assembly, or Courts within this Province made, or past since the yeare one thousand Six hundred fifty fflower in cases of Meum et Tuum shalbe declared void by Pretence of Irregularity of the power of Government established in the yeare one Thousand Six hundred fifty fower.

Liber H. H. p. 18 5^{ly} That all Such as shall within sixe months after the date hereof come or send to the Secretarys office & there according to condicōns of Plantacōn make theyr rights appeare shall haue warrants granted for so much land as they shall make appeare to be due, and the same Land by them entred vpon by vertue of Caveats entred in County, or Provinciaall Courts Provided such Lands be not formerly taken vp by Lawefull warrant from his Lordships officers nor reserved for his Lordships vse.

6 That the Oath of Fidelity shall not be pressed vpon the people now resident within this Province, but instead & place thereof an engagement be taken & subscribed in manner & forme followeing, viz

I: A: B: Doe promise & Engage to submitt to the Authority of the Right Honorable Cæcilius Lord Baltemore & his heires within this Province of Maryland according to his Pattent of the said Province, & to his present Lieutenant and other officers heere, by his Lordship appointed to whom I will be aydeing and assisting & will not obey or assist any heere in opposicōn to them.

7 Lastly that no person whatsoever within this Province by any Collour or suggestion be disarmed or dispoyled in his armes or ammunicōn & thereby consequently left to the Cruelty

of the Indians vnlesse such person be proved to beare armes to an Hostile intent, & contrary to the vsuall & allowable customs of the Country for each mans defence. Liber H. H.

In wittnesse whereof we the said Captaine Josiah Fendall Lieutenant of the Province of Maryland, & Philip Calvert Principall Secretary of the same haue sett our hands and fixed his Lordships greate Seale for this Province.

This Present Gennerall Assembly haueing Considered the Present State of this Province and finding the Agreement according to the said Articles, greatly conducing to the honnor of the Lord Baltemore, and the peace of the Province, as also tending to the remoovall of those feares and jellousies too frequently knowne amongst vs, and greatly furthering the vniting of the whole Inhabitants and bringing them to a better Capacity against the Incursions of the Indian Enemy whom wee haue obserued to take advantage of our former distraction. Bee it therefore Enacted by the Lord Proprietary of this Province, by and with the Consent of this Gennerall Assembly, that the said Articles be to all intents and purposes Inviolably observed and confirmed U. H.
Journal
1659-69
p. 57

The vpper house haue
assented Philip Calvert

The Burgesses
haue assented Thom Turner
Clarke

2 An act Concerning the Gage of Tobacco Hogsheds

Whereas severall Complaints have bene made by divers Masters of Ships of the vnreasonable Size of Tobacco Caske made in this Province, whereby they are disabled to answere such freight as they engage for, and thereby discouraged to bring their Shipps here which may tourne to the apparant decay of Trade, if not tymely prevented. Bee it therefore Enacted by the Lord Proprietary of this Province, by and with the Consent of this Gennerall Assembly, That All Tobacco Hogsheds which shall hereafter be made within this Province shalbe of the Size of fforty three Inches in length, and twenty Seven Inches in the head, and not vnder the Size of fforty two Inches in length, and twenty Six in the head. And that what Cooper or Coopers or other persons that shall make Tobacco Hogsheds and doe not observe the Gage aforesaid shall forfeit the said Caske, and (vpon complaint thereof made) be sensured for his or their default by each respective County Court where such person, or persons doe inhabit. This Act to continue p. 58

U. H. three yeares, or to the end of the next Assembly; and noe
Journal longer
1659-69

The Burgesses haue
assented
Thomas Turner
Clerk

The Vpper howse
haue assented
Philip Calvert

An act for the Killing of Woolfes

3 Bee it Enacted by the Lord Proprietary by and with the Consent of this present Gennerall Assembly, That Every one who shall kill a Woolfe and bring the head thereof to any of the Commissioners shalbe allowed one hundred Pounds of Tobacco from the County where the Wolfe shalbe killed, And that such Com^{rs} to whom the Wolfes head shall be brought shall Cutt out the Tongue of the said Head to prevent the deceipt of Twice, or oftener paying for the same head. This Act to Continue for three yeares or to the end of the next Gennerall Assembly and no longer.

The Burgesses haue assented The Vpper howse have assented
Thom Turner Cler. Philip Calvert

p. 59

4 An Act Prohibiting Ground Leaues and Seconds.

Bee it Enacted by the Lord Proprietary by and with the Consent of this present Gennerall Assembly, That noe Person wthin this Province shall make, or cause to be made, any Ground Leaues or Second Cropps vpon any pretence whatsoever. And if it be proved that any person Contrary to the true intent of this Act shall presume to make any Ground Leaues or Second Cropps being Lawfully convicted thereof, shalbe fined for Every such Hogshed ffive hundred Pounds of Tobacco, The one halfe thereof to the Lord Proprietary, the other halfe to the Informer.

Provided allwaies that all Contracts and Covenants made before the twenty fourth of September one thousand Six hundred fifty Seven, not payable before the Crop in the yeare one thousand [Six] hundred fifty Eight shall not be intended within the Compass of this Act, but every such payer, or debtor shall haue allowance in Consideration for Culling such Tobacco. This Act to continue for three yeares, or to the End of the next Gennerall Assembly and noe longer.

The Vpper howse
haue assented
Philip Calvert

The Burgesses haue assented
Thomas Turner Cler.

5 An act Concerning a Register
of Births Marriages and Burialls

U. H.
Journal
1659-69
p. 60

Be it Enacted by the Lord Proprietary by and with the consent of this present Gennerall Assembly, That the Names of all that shall be borne, Married, or buried within this Province shall be exhibited to the Clearck of Every respective County Court who shall keepe a iust Register thereof, who shalbe allowed ffive pounds of Tobacco as a fee due vnto him for Every such Register made and kept. And every person infringing the said lawe for the space of Two monethes after such Birth Marriage or Buriall, Each Person soe infringing shall forfeit twenty Pounds of Tobacco to the said Clerke. This Act to continue for three yeares or to the End of the next Gennerall Assembly, and noe longer

The Vpper howse haue
assented Philip Calvert

The Burgesses haue assented
Thomas Turner Cler.

6 An act Concerning Servants
that haue Bastards

Whereas diuers women Servants wthin this Province not havinge Husbands living with them, have bene gotten with Child in the tyme of their Servitude to the Great dishonnor of God and the apparant damage to the Masters, or Owners of such Servants, and no lawe yet provided where that damage shalbe recoverable. For remedy whereof Bee it Enacted by the Lord Proprietary, by and with the consent of this present Gennerall Assembly, That Every such Mother of a Bastard Child not able sufficiently to proue the party charged to be the begetter of such child, in every such case The mother of such Child shall onely be lyable to satisfie the damages soe sustained by Servitude, or other wayes as the Court before whom such matter is brought shall see convenient Provided that where the mother of any such child as aforesaid shalbe able to prove her charge either by sufficient testimony of wittnesses or confession Then the party charged, if a Servant to satisfie halfe the said damages, if a freeman then the whole damages by Servitude or otherwise as aforesaid. And if any such mother as aforesaid be able to prove by such testimony or confession as aforesaid that the party Charged (being a single person and a freeman) did before the begitting of such Child promise her Marriage, That then hee shall performe his promise to her, or recompense her abuse, as the Court before whom such matter is brought shall see Convenient, the quallity and condition of

p. 61

U. H. the persons considered. This Act to continue for three yeares
 Journal or to the End of the next Gennerall Assembly and noe longer
 1659-69
 p. 62

The Burgesses haue
 assented
 Thomas Turner Cler.

The Vpper howse haue
 assented
 Philip Calvert

7 An act for the Publication of Marriages.

Be it Enacted by the Lord Proprietary by and with the Consent of this present Generall Assembly, That all persons who shall desire Marriage haue liberty to apply themselves either to a Magistrat or Minister for the Contracting thereof. It is further Enacted by the authority aforesaid that all Persons within this Province intending marriadge shall make publication thereof, either at the county court Church Chapple next where they dwell, or meeting Howse, and that at such tyme as such Court Church Chappell or meeting be full and thereby capable to take cognisance thereof, ffrom which Court Church Chappell or meeting Certificat being given forth, it shalbe lawfull for such Magistrat or Minister to marry such persons as aforesaid. And if any person shall presume to contract Marriadge without such publication and certificat as aforesaid, Every such person soe Contracted or marryed shalbe lyable to a fine of one Thousand Pounds of Tobacco. And every such Magistrat or Minister contracting or marrying without such publication and certificat as aforesaid shalbe lyable to a fine of five thousand Pounds of Tobacco the one halfe of the said fine to the Lord Proprietary, the other halfe to the Informer. This Act to continue for three yeares or to the end of the next Gennerall Assembly and no longer

The Burgesses haue
 assented
 Thomas Turner Cler.

The Vpper howse haue
 assented
 Phillip Calvert

8 An act for the advancement of Childrens Estates

Bee it Enacted by the Lord Proprietary by and with the consent of this present Gennerall Assembly. That all Persons that now haue, or shall haue any Estate of Goods Chattles, or land in their possession belonging to any who are vnder age, shall exhibitt an Inventory and accompt of the said Estates within three Monethes next after the publication of this Act to the respective County Courts where such Estates shalbe; and

afterwards yearly, and in case such person or persons who haue such Estates in their hands do not at the tymes and places aforesaid present the Inventory and accompt of such Estates as aforesaid then that the whole buisness be sent vp to the provinciall court And the Offendor to be at that Courts discession which Court vpon neglect of exhibiting as aforesaid, or not good improvement made of the said Estates shall either suffer the said Estates to continue in the same persons Custody vppon better caution and security or remoue the same into the hands of some able and discreete persons vpon the Cautions aforesaid Provided that noe Child be putt into the hands of Overseers of a Contrary Iudgment then that of their deceased Parents. This Act to continue for three yeares or to the End of the next Gennerall Assembly

p. 64

The Vpper howse
haue assented
Philip Calvert

The Burgesses haue assented
Thomas Turner Cler.

9 An act concerning Drunkness

Bee it Enacted by the Lord Proprietary by and with the consent of this present Gennerall Assembly that hee that shalbe lawfully convicted of drunkenness by two sufficient Wittnesses shall for the first offence be sett in the stocks Six houres, or pay one hundred pounds of Tobacco, halfe to the Informer, the other halfe to the Lord Proprietary. ffor the Second offence being convicted as aforesaid to be publickly whipt or pay three pounds of Tobacco as aforesaid. Being the third tyme convicted as aforesaid, the Offender shalbe adiudged a Person infamous, and thereby made vncapable of giving vote, or bearing Office within this Province during the space of three yeares next after such Conviction. This Act to continue for three yeares, or to the End of the next Gennerall Assembly and noe longer.

The Burgesses haue
assented
Thomas Turner Cler.

The Vpper howse
haue assented
Philip Calvert

10 An act concerning Ferries

p. 65

Whereas the Inconvenience for want of fferries in this Province is voted burthensome to the Countrey, Bee it Enacted by the Lord Proprietary by and with the consent of this present Gennerall Assembly that Every County within this province shall maintaine one fferry (the County of Kent onely Excepted)

U. H. which fferry shalbe left to the County Court to appoint where
 Journal it is most necessary to be kept and to assess the said County
 1659-69 for provideing a Boate and satisfying the fferryman. And
 whatsoever Court shalbe defective in the premisses after the
 last of August next shalbe fineable to the Lord Proprietary one
 thousand pounds of Tobacco. This Act to Continue for three
 yeares or to the End of the next Gennerall Assembly and no
 longer

The Burgesses haue
 assented
 Thomas Turner Cler.

The Vpper howse
 haue assented
 Philip Calvert

Enacted by the Governor

Josias ffendall

Bee it Enacted by the Lord Proprietary by and with the con-
 sent of this present Gennerall Assembly that Each respective
 p. 66 County shall (this next ensuing Cropp) satisfie their respective
 Burgesses Charges, and satisfie these pticular charges vnder
 written vizt.

By the County of Kent

To M ^r Belcher	1 Tob. 0400
To William Coursey	0080
To M ^r Dorringtons man Peter	0100

By Patowmeke River

To M ^r Britton	0200
To M ^r Coursey from Patowmeck	0120
To M ^r Belcher	0600
To John Shanks	0500
To John Mettcalfe	0600
To M ^r Coursey Sherriffe	0370
To the Sherriffe for Sallary	0230

By Patuxent County

To M ^r Lloydes man Andrew	0200
To Thomas Turner Cler of the Assembly	0900
To M ^r Coursey	0330
To the Sherriffe for Sallary	0150
To the Clearke	0200

By An Arundell County

To Cap: Ewens man Thomas
To M^r Norwood
To the Clarke

U. H.
Journal
1659-69
0200
1500
0100

The Burgesses haue
assented
Thomas Turner Cler.

The Vpper howse
haue assented
Philip Calvert

Enacted by the Governor

Josias ffendall.

PROCEEDINGS
OF THE
GENERAL ASSEMBLY
OF MARYLAND,

*At a session held at Mr. Thomas Gerrard's and Mr. Robert Slye's,
February 28—March 14, 1659/60.*

CECILIUS CALVERT, LORD BALTIMORE,
Proprietary.

JOSIAS FENDALL,
Governor.

THE UPPER HOUSE OF ASSEMBLY.

1659
January 12th

U. H.
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p. 69

Cæcilius absolute Lord and Proprietary of the Provinces of Maryland and Avalon Lord Barron of Baltemore &c To the Sherriffe of Saint Maryes County Greeting. Whereas by the advice and consent of our Councell Wee haue determined to hould an Assembly of the ffreemen of our Province at M^r Thomas Gerrards on the last Tuesday in ffebruary next ensuing there to consider of certaine things concearning the State and welfare of this our Province of Maryland Wee comand you Nicholas Guyther Sherriffe of St Maryes County that makeing Proclamation as soone as conveniently may be after the receipt of this writt you cause fower discreete Burgesses to be elected to serve in the said Assembly there to doe and consent to such things as by comon consent shall happen to be ordained and enacted in the buisness aforesaid so that through want of sufficient power or inconsiderat election of the aforesaid Burgesses the buisnesses aforesaid may not remaine vndon or neglected, And make your retourn of this Writt into the Secretaryes Office by the Seventeenth of ffebruary next. Given at Saint Maryes vnder our Great Seale of our said Province of Maryland the twelfth day of Ianuary in the Eight & twentieth yeare of our Dominion over the said Province Annoque Domini One thousand Six hundred ffifty Nyne

The like writt eodem die to the Sherriffe of Calvert County

The like to the Sherriffe of Charles County

The like to the Sherriffe of Ann Arundell County

The like to the Sherriffe of Kent County

The like to the Sherriffe of Baltemore County

1659
January 12

p. 70

Cæcilius absolute Lord and Proprietary of the Provinces of Maryland and Avalon Lord Baron of Baltemore &c. To our Deare Brother Philip Calvert Esquier our Councillor and Secretary Greeting in our Lord God Everlasting. Whereas wee have appointed to hould a Generall Assembly of the ffreemen of our Province at M^r Thomas Gerrards on the last Tuesday in ffebruary next Wee doe therefore hereby will and require

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you that all excuses and delayes sett aparte you repaire in person to the said Assembly at the tyme and place prefixed there to advise and consult with vs touching the important affaires of our Province. Given at Saint Maryes this twelfth day of January one thousand Six hundred ffifty Nyne.

The like issued to Capⁿ W^m Stone our deare freind & Counc^r

The like to M^r Thomas Gerrard o^r deare freind & Councillor

The like to Coll^l John Price o^r deare freind & Councillor

The like to Doctor Luke Barber our deare freind & Councillor

The like to Coll^l Nathaniell Vtye o^r deare freind & Councillor

The like to Baker Brooke our deare freind & Councillor

The Like to Edward Lloyde our deare freind & Councillor

At an Assembly held at M^r Thomas Gerrards
howse, on the 28th day of ffebruary 1659 being
Tuesday.

Present Josias ffendall Esquier Governor, Philip Calvert Esq^r Secretary, M^r Thomas Gerrard, Collonell John Price, Robert Clarke Esquier, Doctor Luke Barber, Collonell Nathaniell Vtye, M^r Baker Brookes Absent M^r Edward Lloyde being Sick.

The retournes made of the Burgesses to be in the Assembly in obedience to the said Writts delivered by the respectiue Sherriffes

To the honno^{ble} the Governor and Councill

1 St Maryes County M^r Robert Slye
M^r William Barton
Capⁿ William Evans &
M^r James Langworth }

p. 71 2 Kent County M^r Joseph Wicks, M^r Thomas Hinson M^r Henry Morgan and M^r John Russell.

3 An Arundell County Maior Richard Ewen, Capⁿ Thomas Howell, Lieutennant Richard Woollman Lieutennant William Burgess, Capⁿ William ffuller, M^r Thomas Taylor M^r Robert Clarkson

4 Calvert County M^r William Parker, M^r Sampson Waring M^r Richard Preston gon for England & M^r Michael Brookes

5 Charles County M^r John Hatch, M^r Robert Hunley M^r Zachary Wade & Capⁿ John Jenkins

6 Baltemore County Maior Samuel Gouldsmith M^r George Gouldsmyth, M^r Godfrey Bayley, and M^r ffrancis Stockett

Some of the Burgesses not appearing It was thought fitt and soe ordered, That the Assembly be adiourned till tomorrow at ten of the clock in the morning

Wednesday the 29th of february 1659

Present as yesterday. The Assembly adiourned till tomorrow at ten of the clock in the morning at M^r Syles howse.

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Thirsday 1^o Marcij 1659

Present as yesterday. The Assembly is adiourned till tomorrow at nyne a clock here at M^r Syles howse

ffryday 2^o Marcij 1659

Present as yesterday. The Assembly is adiourned till tomorrow at Eleven of the clock here at M^r Syles.

Saturday the 3^d of March 1659

Present as yesterday. Then came two of the members of the lower howse and delivered the ensuing paper. vizt Saturday 3^d of March 1659 Whereas the howse hath had certaine information that the Lord Proprietary hath sent to the Secretary a Warrant and demand annexed to it to repeale the Act of Ten shillings p hogshed. The Howse doe therefore desire and request the said warrant and demand be exhibited to the publick viewe of this Assembly forthwith.

Speaker Ri: Ewen

And after the said Burgesses desired a warrant to issue p. 72 from the Governor to Saint Maryes County to elect three Burgesses in the Roome of Capⁿ William Evans, M^r William Barton, and M^r James Langworth whom they conceived vnduly elected. Which warrant ensueth in his verbis vizt

These are in the name of the Right honno^{ble} the Lord Proprietary to will and require you to su^mon the ffreemen of Saint Maryes County forthwith or as soone as possible to Elect and choose three able and discreete men to serve as Burgesses in the Assembly for that county, and to make retourne of this warrant with the names of such persons soe elected at furthest by the Eight day of March next ensuing. And for soe doing this shalbe your warrant. Given at M^r Syles howse the third of March 1659

Josias ffendall

To the High Sherriffe of
Saint Maryes County

The retourne thereof

By vertue of the abouesaid warrant The ffreemen have bene su^moned, and have elected Captaine William Evans M^r James

U. H. Langworth and M^r Luke Gardner to be Burgesses for them in
 Journal the Assembly, which J most humbly certify this Eight day of
 1659-69 March 1659

Nc: Guyther Sherriffe

After The Assembly is adiourned till Munday next at Eleven
 a clock at M^r Slys howse

Munday 5^o Marcij 1659

Present the Governor, Secretary M^r Thomas Gerrard Robert
 Clarke Baker Brooke esquiers, and Col^l Nathaniell Vtye,
 Absent Collonell John Price and Doctor Luke Barber being
 licensed by the Governor.

Vpon Reading of a confirmation of certaine lawes sent in by
 his lo^p bearing date the 30th of July Anno 1659 It was ordered
 that the Lawes therevnto annexed with the confirmation be
 sent to the lower howse, as also the lawes confirmed in Anno
 1650

P. R. O.
 Colonial En-
 try Book
 No. 53

The Lord Proprietarys Assent to
 twelve Lawes in Maryland sent by
 Capt: Thomas Harwood Master of the
 Golden Lyon
 July the 30th 1659.

Cæcilius absolute Lord and Proprietary of Maryland and
 Avalon Lord Baron of Baltemore &c To our right trusty and
 welbeloved Josias Fendall Esq^{re} our Lieutenant of Maryland,
 and to our right trusty and well beloved the Upper and Lower
 house of our Generall Assembly there, and to all others in
 Maryland for the tyme beinge Greeting. Whearas, wee have
 lately received a certaine transcript of Lawes or Acts at severall
 tymes hertofore passed by our Generall Assembly there: unto
 some wherof wee have formerly declared our assent by an
 Instrument under our hand and Greater Seale at Armes, bear-
 ing date the 6th of August 1650 and transmitted thether.
 Know yee that wee haveinge perused the rest of the sayd
 Lawes have thought fitt to cause twelve of the sayd Acts or
 Lawes, unto which wee had nott formerly declared our
 Assent as afor sayd, to be engrosed in parchment and to bee
 heereunto annexed, and to declare o^r Assent unto them. And
 wee doe heerby with the consent of the upper and lower house
 of our Generall Assembly there, ordaine and enact them Lawes
 in Maryland willinge and requireinge our Lieutenant there for
 the tyme beinge to cause our Greate Seale of Maryland to bee
 affixed unto them, and to publish them as Lawes there to bee

observed by all people in Maryland and the llande there unto belonging for the tyme beeing under the penaltys therin contained, provided always that the twelfth and last Act of the Lawes heere unto annexed, which is for the confirmation of certaine Articles beareinge date the twenty foure day of March 1657: shall not extend or bee construed to extend to the acknowledgement of any Assemblys Courts or Offices heeretofore made or constituted in our said province of Maryland by any Authority but ours to have been lawfull; which wee doe heereby Declare is not our intention or meaninge to doe, although wee thought fitt for the reasons therin mentioned to ratify and confirme som things mentioned in the sayd Actes or Articles to bee don by som of them as aforesayd. And provided alsoe that those words (*meum et tuum*) in the fourth branch of the sayd Articles bee understood to extend noe further then onely to matters betweene party and party, and not to any thinge concerning us or any of our rights in or to Maryland or any the llands there unto belonging, any thinge heere in or in the sayd Articles or acts contained to the contrary in anywise notwithstanding. And wee doe alsoe heerby give power to our Lieutenant of Maryland for the tyme beeing, till wee or our heires shall signify our or their pleasure to the contrary, with the consent of the Upper and Lower house of our Generall Assembly there from tyme to tyme to repeale any other Lawes already made, or which heere after shalbee made within our sayd Province, excepting all and every the twelve Acts or Lawes heerunto annexed; and the aforesayd Lawes beeinge eightene in number which wee formerly gave our Assent unto by a writing under our hand and Seale at Armes beareinge date the sixth day of August 1650, as aforesayd, and there unto annexed and such as shall heereafter bee assented unto, by us or our heires by any speciall writinge under our or their hand and Seale at Armes, and published within our sayd Province before such repeale, none of which wee will have repealed or altered without our or our heires speciall and expresse assent therunto by som writinge under our or their hand and seale at Armes, with the consent from tyme to tyme of the upper and lower house of our Generall Assembly theare except the twelfth Act intituled (*An Act against fugitives*) in the sayd body of eightene Lawes formerly assented unto by us as aforesayd, which sayd Act against fugitives wee heereby give power to our sayd Lieutenant for the tyme beeing with the consent of the upper and lower house of our Generall Assembly there if hee shall think fitt to repeale. Given under our hand and Greate Seale at Armes this 30 day of July in the 28 yeare of our Dominion over the sayd Province of Maryland, and in the yeare of our Lord God 1659

P. R. O.
Colonial En-
try Book
No. 53

The Lord Proprietarys assent to the eightene Lawes before written by an Instrument under his Lordship's hand and seale as followeth.

[6 August 1650.]

Cæcilius absolut Lord and Proprietary of the Provinces of Maryland and Avalon, Lord Barron of Baltemore &c To our right trusty and well beloved William Stone Esq^{re} our Lieutenant of our said Province of Maryland and to our right trusty and well beloved the upper and lower house of our Generall Assembly there and to all others in our sayd province of Maryland for the tyme beeinge.

Whereas wee understand that certaine lawes or Acts passed by the major parte of our Generall Assembly there Aprill one thousand, six hundred forty nine assented unto by Lieut^t William Stone, and som in Aprill last not unto by him, wee (being very desirous in what wee may to our sayd Assembly from whome wee find a greate desire parts of compliyanse with us whearof wee are very sensible caused eightene of the said acts or lawes, as wee approuve of engroced together in parchm^t and to bee heere unto annexed under greate Seale at Armes, and seigned alsoe by us declaring our assent unto the sayd Acts or Lawes soe annexed heere unto -sayd. And wee doe heerby with the consent of our upper and lower house of our Generall Assembly there enact them as Lawes our sayd Province of Maryland willinge and requireinge our Lieu^t there for the tyme being to cause our greate seale of the said Province be affixed unto them, and to publish them as Lawes there to bee observed all People within our sayd Province and the Ilands therunto belonging the tyme beinge under the penaltys therin contayned. And wee doe give power to our Lieu^t of our sayd Province of Maryland for tyme beinge, till wee or our heires shall sygnifie our or their pleasure the contrary, from tyme to tyme to assent in our name to any tempo Lawes to continue in force there for som certayne tyme only that semd necessary or convenient for the good of our Colony there notwinge any thinge to the contrary in our commission to our sayd Lieu^t William Stone dated the sixt of August one thousand six hundred f eigh^t Provided neverthesse that noe Lawe be assented unto by our Lieu^t there for the tyme beeinge, which shall in any kinde bee or repugnant to any of the acts or Lawes heere unto annexed and unto us as aforesayd, or to any other Lawes which wee have formerly or shall heere after assent unto by any speciall writinge under our and seale at Armes and consented unto by the major parte of our Assembly there or which shalbe repugnant or

anyways trenchinge any of the other Provisoos concerninge the power of Assent contained in our said Commission to our sayd Lieutenant there nor to any of our Rights or dominion over or in the sayd Province And hereby declare that all such temporary Lawes soe to be assented unto our name by our sayd Lieu^t there for the tyme beeinge and unto from tyme to tyme by the major parte of the upper and howse respectively of our Generall Assembly there, shall continue in force in our sayd Province during the tyme to bee respectively in them limited to continue unless wee or our heires shall declare our or their disassent sooner unto them respectively under our or their hand and seale at Armes and noe longer. And wee doe alsoe heerby give power to the sayd Lieutenant for the tyme beeinge till wee or our heires shall signifie our or their pleasure to the contrary with the consent of the major parte of the upper and lower house respectively of our Generall Assembly there from tyme to tyme to Repeale any Lawes already made or which heereafter shalbe made within our sayd Province, exceptinge all and every the Acts or Lawes heere unto annexed as aforesayd and all others which are or shalbee annexed and assented unto by us or our heires by any speciall writinge under our or their hand and seale at Armes, and published within our sayd Province, none of which wee will have repealed or altered without our or our heires speciall and expresse assent there unto by som writinge under our or their hand and Seale at Armes with the consent from tyme to tyme of the major parte of the upper and lower house respectively of our Generall Assembly there. Given under our hand and greater seale at Armes the sixt day of August in the nineteenth yeere of our Dominion over the said Province of Maryland Annoq. Do^m. one thousand six hundred and fifty.

Vpon reading of a Bill for customs to be propounded to the Assembly together with a commission for repeale of an Act formerly made at S^t Inigoes 1646. It was ordered that the said Comission and Act be sent to the lower howse.

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Then was read an Act for setting vp of a Minte and sent to the lower howse p. 73

This day came M^r Thomas Hinson and M^r Zachary Wade Burgesses from the lower howse desiring the Governor to signe a Warrant to press bote and hands to carry the said Zachary Wade vpon a present employment wherevpon (the buisnes being not signified, vpon which the said Wade was to be employed) The Governor asked the opinion of the vpper howse, whither the warrant should be signed yea, or noe, and resolved in the Negative till the Cause were knowen, wherevpon the Speaker came and said it was but for the Statutes of England.

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The Assembly is adiourned till nyne a clock to morrow morneing at M^r Syles howse.

Tuesday the 6th of March 1659

The howse mett at M^r Syles and haue adiourned till Eleven a Clock tomorrow morneing at the same place. Being present as yesterday.

Wednesday 7: Marcij 1659

Present the Governor, Secretary, Thomas Gerrard Esquier Doctor Luke Barber Robert Clarke Esquier, Baker Brooke Esquier and Collonell Nathaniell Vtye

The Assembly adiourned till tomorrow [after]noone at one of the clock to the said M^r Syles howse

Thirsday 8^o Marcij 1659

Present as yesterday The Assembly adiourned till one of the clock on Munday next after noone.

Munday 12 Marcij 1659

Present the Governor, Secretary, M^r Thomas Gerrard, Collonell John Price M^r Baker Brooke & Col^l Nathaniell Vtye

p. 74 Then Came the ensuing Paper from the Lower howse, w^{ch} was read as followeth.

To the honno^{ble} the Governor & Councell

That this Assembly of Burgesses iudging themselves to be a lawfull Assembly without dependence on any other Power in the Province now in being is the highest court of Judicature And if any Obiection can be made to the Contrary, Wee desire to heare it.

Roger Jsham Clearck
of the Assembly

Vpon reading of which paper it was thought fitt to send to the lower howse the annexed paper as followeth

To the Burgesses mett in this present Gennerall Assembly. Vpon receipt of a paper directed to the Governor and Councell from the Burgesses in this p^rsent Gennerall Assembly and delivered to the Governor in Assembly sitting. It is first moved.

1. Whither or noe they intended that paper to be sent to the Governor and Councell as such or whither to him and those of the Councell then present as sitting by virtue of the speciall writts they received for this Gennerall Assembly

2. As to those words (vizt) This Assembly of Burgesses iudging themselues to be a lawfull Assembly; whither they doe Judge themselues to be a lawfull Compleate Assembly without the Governor and those other Members summoned to sitt by speciall writt in the Vpper howse

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3. As to those words (vizt) independent on any other power in the Province now in being, whither they doe iudge they are wholly independent on the power of the Lord Proprietary yea or not

Signed by order of the vpper howse
Philip Calvert

Vpon the delivery of w^{ch} paper, the Burgesses desired a Conference with this Vpper howse by M^r Robert Slye and M^r Thomas Hinson which was Condiscended vnto.

Wherevpon they came to a Conference from the Lower howse, and then p. 75

The howse adiourned it selfe to nyne of the Clock to morrow morneing

Tuesday March 13th 1569

Present as yesterday. The Opinion of the Governor &c. To the paper presented yesterday from the lower howse is as followeth

The Speaker and howse mett in the Vpper howse at a conference. And vpon debate it was declared (as to the queres) by the Governor, It is his Judgment that the Lord Proprietary by himselfe or his Deputy ought to be present and have a Casting voice, and that as Governor he had not any power to Confirme lawes made by the Burgesses for any longer tyme then vntill his lo^p or his heires should declare their disassent. But he did believe the intent of the King in his lo^{ps} Pattent was that the ffreemen by writt assembled either by themselues or their deputies should make and Enact lawes, and those lawes soe made were to be published in his lo^{ps} name, and then to be in full force. Provided they be agreeable to reason, and in noe case repugnant to the Lawes of England

The Secretary did and doth declare, that it is not in the power of the Burgesses by themse[lves] without the assent of the Lord Proprietary or [the] Governor lawfully therevnto authorized by his [said] Lo^p to enact any lawes within this Province

Thomas Gerrard his Opinion being demanded, as a privat man sumoned by w[ritt] not one of his lo^{ps} counsell, but as formerly hath bene as Lord of a Mannor doth give his opinion with the Governor. But further saith that his Opinion is that if any Lawes be enacted by this Assembly or any other be

U. H. Journal 1659-69 repugnant or not consonant to reason to either the lawes Customs or Statutes of England, My opinion is that they ought not to make them for lawes nor my Lord Baltemore nor his Lieutenant vnder him to giue their Assente.

p. 76 I doe conceive that according to his Lo^{ps} Pattent the Bur-
gesses are not the Supreame power, or can make lawes with-
out the consent of his lordship.

Baker Brooke

I do not pass any Vote against my Lords Pattent
John Price

Collonell Nathaniell Vtye delivered his opinion in the same
words with the Governor

Signed by order of the
howse
Philip Calvert

Tuesday the 13th of March 1659

Present as yesterday

The Opinion of the Governor &c To the Paper presented
(written all before)

In the afternoone of this day came the Speaker and lower
howse and in words intimated that they could not allowe this
howse to be an vpper howse: but that if the Governor and
Councell pleased they might come and take place in behalfe of
his Lo^p and themselues as part of this Assembly sitting in one
howse, or words to that effect, as nere as could be taken from
his mouth, wherevpon the Secretary informed them, that if the
Governor and Members su^moned by speciall writt did come to
sitt all in one howse the Speaker must leave his place to the
Governor who in that case was president of the Assembly,
wherevpon he with the howse tooke tyme to consider.

The Vpper howse adiourned till Nyne of Clock next morneing

Wednesday 14th March 1659

Present as the Twelth

The Vpper howse being mett, The Speaker and lower
howse desired a further Conference, and being mett. The
Speaker by word againe declared that they were Content the
Governor should sitt as President, but that they would continue
their Speaker still in the howse also, and reserve to themselues

the power of adiourning and dissolveing the Assembly, or words as near as could be to that effect. And vpon debate had, The Governor being willing to sitt with them vpon those tearmes (vizt) To leaue the power of dissolueing the howse to the Speaker of the Lower howse, and to reserue to himselfe as representing his Lo^p a double or casting voice as hee expressed it. The Secretary refused to enter into the lower howse with the Governor vpon those tearmes it being a manifest breach of his lo^{ps} Right Royall Jurisdiction and Seigniory, and offered his reasons, and desired to haue them entred vpon Record in the Journall of the Lower howse, but was denyed it by the Governor Wherevpon hee and M^r Baker Brooke departed the howse (after leave asked) and given in these words or to this effect (vizt) you may if you please, wee shall not force you to goe or stay, vttered by the Governor

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PROCEEDINGS AND ACTS
OF THE
GENERAL ASSEMBLY
OF MARYLAND,

At a session held at St. Mary's, April 17—May 2, 1661.

CECILIUS CALVERT, LORD BALTIMORE,
Proprietary.

PHILIP CALVERT,
Governor.

THE UPPER HOUSE OF ASSEMBLY.

Cæcilius absolute Lord and Proprietary of the Province of Maryland and Avalon Lord Barron of Baltemore &c To our Deare friend and Councillor Henry Coursey Esq^r Greeting in our Lord God Everlasting. Whereas wee have appoynted to hould a Generall Assembly of the Freemen of our Province at Saint Marys on the Seaventeenth day of Aprill next Wee doe therefore hereby will and require yo^r that all Excuses and delays sett aparte yo^r repaire in person to the said Assembly at the tyme and place p^rfixed there to advise and Consulte with vs touching the Important affaires of our Province Given at Saint Marys vnder the Greate Seale of our said Province of Maryland the Eight and twentyth day of Feb 1660 Wittness our deare Brother Philip Calvert Esq^r &c

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The Like to Robert Clarke Esq^r

The like to Baker Brooke Esq^r

The like to Edward Lloyd Esq^r

The like to John Bateman Esq^r

Cæcilius absolute Lord and Proprietary of the [Pro]vince &c To Nicholas Guyther Sherriffe of S^t Marys County Greeting Whereas by the advice [&] Consent of our Councill Wee have determind to [call] an Assembly of the Freemen of our Province on [the] 17th day of Aprill next ensueing there to Consid[er] of certaine thinges Concerning the State and welfare of this our Province of Maryland wee Comand yo^r Nicholas Guyther Sherriffe of S^t Maryes County that makeing Proclamacōn as soone as Conveniently may be after the Receipt of this writt yo^r cause to be elected such and soe many discreete men as yo^r shall thinke fitt to serve as Burgesses in the said Assembly, there to doe and Consent to such thinges as by Co^mon Consent shall happen to be ordained and Enacted in the businesses aforesaid Soe that through want of sufficient power or inconsiderate Eleccōn of the aforesaid Burgesses the businesses aforesaid may not remayne vndone or neglected and make yo^r retourne of this writt into the Secretarys Office by the sixteenth of Aprill next Given at S^t Marys vnder our Greate Seale of our said Province of Maryland the Eight and twentyth day of Feb: in the nine and twentyth yeare of our dominion over the said Province Annoq domini 1660

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Signed

Philip Calvert

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The same to Francis Batchelor Sherriffe of Charles County
The same to Gyles Sadleir Sherriffe of Calvert County
The same to John Norwood Sherriffe of Anne Arrundell
County
The same to Anthony Griffyn Sherriffe of Kent County.
The same to Francis Wright Sherriffe of Baltemore County.

Aprill 16th 1661

Nicholas Guyther Sherriffe of St Marys County retournes
Burgesses for that County Coll. William Evans Luke Gardner
Gent Thomas Mathews gent William Barton Gent.

Francis Batchelor Sherriffe of Charles County retournes
Burgesses for that County Henry Adams and Joseph Harrison
gent

Gyles Sadleir Sherriffe of Calvert County retournes Bur-
gesses for that County Richard Preston Thomas Manning
Richard Smith Tho. Trueman gent

John Norwood Sherriffe of Anne Arrundell County retournes
Burgesses for that County, John Brewer Sam: Chew gent.

p. 81 Anthony Griffyn Sherriffe of Kent County retournes Bur-
gesses for that County Thomas Stagwell and W^m Leeds gent.

Francis Wright Sherriffe of Baltemore County retournes
Burgesses for that County Thomas Stockett and George Vtye
gent

Aprill 17th 1661

At St Marys at the howse Comonly called St Johns to the
Assembly appeared

Philip Calvert Esq ^r Governo ^r	}	Baker Brooke	} Esq ^r
Henry Coursey Esq ^r Secretary		Edward Lloyd	
John Bateman	}		} Esq ^r

St Marys Then appeared as Burgesses for St Marys County
County Collonell William Evans Luke Gardner Thomas
Mathews and William Barton gent.

Charles County Then appeared for Charles County as Bur-
gesses Henry Adams and Joseph Harrison
Gent.

Anne Arrundell County Then appeared for Anne Arrundell
County Burgesses John Brewer
and Samuell Chew Gent

Kent County Then appeared for Kent County as Burgesses
Thomas Stagwell and William Leeds gent.

Baltemore County, Burgesses yett not appeared

After knowledge given them by the Governor they were desired to choose their Speaker, and to Enter the howse. The Vpper howse adjourned till to morrow morning nine of the Clock

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Thursday the Eighteenth of Aprill

Present the Governor Secretary M^r Baker Brookes M^r Edward Lloyd M^r Robert Clarke and M^r John Bateman Then appeared M^r George Utye as Burgess for Baltemore County

Then came the Lower howse and p^rsented M^r Preston to their Speaker, then was deliuered to the lower howse his Lordships declaracōn touching the Acte for the Customes together with the Acts now in force. And the Acts of the last Assembly now expired vpon Receipte whereof they departed into the lower howse. The Vpper howse adjourned till three of the Clock in the Afternoone

The Vpper howse according to the tyme at three of the Clock mett, where was tendered to them a peticoñ from the Grand Jury for their Costs and Charges for Attendance which vpon reading was ordered th^t the said peticoñ should be sent to the lower howse for their Consideracōn, As likewise the pet. of Oliver Sprye touching the charge of wounded men was sent to the lower howse

The Vpper howse Adjourned till to morrow morning tenn of the Clock.

Fryday the 19th day of Aprill p^rsent as yesterday

Then came a message from the lower howse which Coll. Evans and M^r Thomas Manning brought which is as followeth:

The howse being Sensible of a Generall Aggreivance Concerning and aboute the writts sent to the Sherriffes of each respective County for the Electing of Burgesses for this p^rsent Assembly. It is ordered that for the better vnderstanding of the writts and sattisfaccōn of the Burgesses attending That two Members be sent to the Governor and Councell requesting them to reuiewe the said writts and to deliver their Interpretacōn thereof vnder their Clarks hand

William Bretton Cler.

Vpon the Deliury of which to the Governor and Councell in the Vpper howse It was resolued that answere should be sent vs from the Governor and Councell and not as the Vpper howse and the answere was pennd in theis words following

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The Sence of the Governor and Councell touching the difficulty and Scruple made by the lower howse in the words of the writt for Eleccōn of Burgesses is this

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That the writt was directed to the Sherriffe to make proclamacōn for the Eleccōn of Burgesses is that when the Freemen had mett itt was in their power to elect Burgesses any persons quallified for the Employment that was not disabled by Cryme then already Committed that the number of persons to be Elected was in the expresse words left to the Sherriffe, but only soe as he did represent the body Aggregative of the County and the only person to whome the lawe directs the Writts for Summoning Assemblies Soe that vpon the whole matter it was in the Sherriffes power to restrayne only persons disabled by lawe to elect or be elected and the determinacōn of the number and of the persons to be Elected in the Freemen of the County and this wee thought fitt to certefye

Signed by the order of the Governor and Councill
John Gittings Clrk.

Ordered that M^r Bateman and M^r Lloyd doe goe [to] the lower howse with the two peticōns yesterd[ay] referred to the Lower howse their Consideracōn together with three coppies of Acts of Assembly yett in force with the Answere of the Governor and Councill touching the writts of Eleccōn of Burgesses

The Vpper howse Adjourned till three of the Clock in the Afternoone.

The howse again mett p^rsent as before

Vpon Receipt of a message sent by the lower howse to the Governor &c in theis words

p. 84 The Burgesses humbly desire that an Acte be passed with Consent of both howses of Assembly that Members or Burgesses of Assembly now attending and ever hereafter haue free liberty of speeche in deliuering their opinion and Censures without p^rjudice either of themselves their persons or Estates to any bill propounded or what shall be propounded by them for the Good and liberty of the Inhabitants

William Bretton Clk

Whereupon the Vpper howse sent to them for a Conference, whereupon the Speaker and the whole howse comeing into the upper howse the Governo^r assured them that they might haue all liberty of Speech and that there was noe necessity of making such an Acte as was desired and that they should haue as much liberty as any Burgesses had or haue in the Parliam^t of England or Magna Charta did afforde them in England with which the rest were satisfyed and waved the request for the Acte

The Vpper howse have Adjourned till tomorrowe tenn of the Clock in the morn.

Sattirday the twentyth of Aprill

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Present as yesterday

The Vpper howse mett and adjourned till one of the Clock in the Afternoone. The howse mett againe and adjourned till Monday morning twelue of the Clock.

Monday the two and twentyth
of Aprill

Present the Governor, M^r Baker Brookes M^r Edward Lloyd
M^r Robert Clarke, M^r John Bateman

The howse being satt there came from the lower howse M^r Thomas Manning M^r Mathews M^r Smith and Collonall Evans with a message in wryting vizt

Whereas Eightene pounds of tobacco p pole was Raysed and leauyed the last yeare vpon the Inhabitants of this Province for the defraying of publike charge And whereas diuers people whoe were Concerned in that Leauy complayne to this Assembly that they are not yett satisfyed

The Burgesses conceive that it will be unjust to rayse a new tax for the payment againe of the s^d severall Ingagem^{ts} doe thinke it necessary that an Accompt may be Given concerning the last yeares Leavyes.

Presented to the Vpper
howse

Will: Bretton Clk

The Vpper howse sent M^r Brookes and M^r Bateman to the lower howse to have the declaracō of 1648 to be brought vp which they did accordingly. The Vpper howse sent M^r Bateman to the Speaker of the lower howse to desire a Conference, and they accordingly came wherein the vpper howse gave them satisfaccōn touching the Acte for Customes

Then was read an Acte for a Mint and it was put to the vote of the howse whether it should passe

M ^r Bateman gives his vote to pass	} M ^r Lloyd not t[o pass]	
M ^r Clarke gives his vote to pass		} M ^r Brooke not t[o pass]
The Governo ^r to pass		

Ordered that the Acte for the Mint be read tomorrow morning the second tyme.

The Vpper howse adjourned till tenn of the Clock in the morning

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Tuesday the 23th Aprill

Secretary absent Present as yesterday

The howse ajourned for halfe an houre

The howse mett againe and according to the order last night
p. 86 Called for the Acte for a Mint and ordered it to be read vpon
readeing of the said Acte it was putt to the vote of the howse
whether it should be ingrossed yea or not

M ^r Bateman to be ingrossed	}	M ^r Brooke not to be ingēd
M ^r Clarke to be ingrossed		
The Governor to be ingrossed		M ^r Lloyd not to be ingrossed

Memorandum that the Dissenters to this vote dissented vpon
this Ground that they were not certaynly informed that the
County Pallantine of Durham had liberty to Coine

Ordered that it be sent to the lower howse for their Con-
currence Vppon the peticōn and accompt of M^r Norwood
touching the Charges of Imprisonment It is ordered that it
be referred to the lower howse And it is further ordered that
John Gittings Clre Signe the said peticōn and Accompt to be
deliuered to the lower howse their consideracōn

Ordered that M^r Lloyd goe to the lower howse and desire
them to meete as a Grand Co^mittee in the vpper howse touch-
ing the busines of the Susquehannough Indians which is now
vrgent vpon vs.

At a Grand Co^mittee of both howses

It is ordered that M^r Edward Lloyd and M^r John Bateman
Coll. W^m Evans M^r Thomas Manning M^r John Brewer and M^r
George Vtye doe drawe vp an Acte impowring the Governor
and Councill in the Intervall Betweene this Assembly and the next
to rayse what forces they in their discrecōn shall finde necessary
for the Assistance of the Sasquehannough Indians ag^t the
Cynaco or Naijssone Indians that have lately killed some Eng-
lish in Patapsco River that they doe rayse by equall Assess-
p. 87 ment vpon the Freemen of this Province and the Charge of
the warre and that the said Co^mittee doe agree and ascertain
the wages and pay of the Souldiery in the Acte and that they
doe meete by two of the Clock in the Afternoone to drawe vp
the Acte

After the dissolucōn of the Grand Co^mittee the howse satt
againe

Ordered that M^r Henry Coursey goe downe to the Lower howse with the Acte for the Minte together with M^r Norwoods peticōn and Accompt

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The Vpper howse ajourned whilst 12 of the Clock to morrow morning

Wednesday the 24th of Aprill

Present all except M^r Coursey

Vpon the Receipt of a letter from the lower howse which vpon some mistake was broake open which was sent to the Vpper howse

Ordered that it be remanded to the Lower howse for their Consideracōn

Then was p^rsented the peticōn of Luke Gardnor

Vpon the peticōn of Luke Gardnor Capt. Leiuettendant vnder the Comānd of (William Evans which being read It was ordered that the said peticōn be referred to the Lower howse their Consideracōn

The howse adjourned for an houre

The howse mett againe p^rsented as before

Then was read an Acte for appoyntment of officers which the howse corrected and ordered it to be fayre written

Then was read an Acte for Assistance to be sent to the Sasquehannough Indians, Reported by M^r Edward Lloyd Chareman of the Comītee and with some few Amendments ordered that it be sent to the lower howse

It being first voted in the Vpper howse to pass nemine contra dicente

Ordered that M^r Baker Brookes carry downe to the Lower howse the said Acte for Assistance to the Sasquehannoughs

An Acte for tryalls at lawe and Ascertainning Costs of Suite was this day sent downe to the lower howse by M^r Clarke As alsoe an Acte ag^t scratching the markes out of tobacco hhds.

Then was p^rsented the peticōn and Accompt of John Jarboe

Ordered that the said peticōn and Accompt be referred to the Lower howse for their consideracōn

Then came from the lower howse Coll William Evans M^r Richard Smith and M^r William Leeds and p^rsented the Acte for the Ayde of the Sasquehannough Indians faire ingrossed together with the Assent of the lower howse to the said Acte

Whereupon it was ordered to be read in the Vpper howse and vpon reading ordered to pass nemine Contra dicente

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Whereupon the Governor gaue his Assent in the name of his Lop in theis words: (his Lordp. willeth that this be a Lawe)

The vpper howse adjourned whilst tomorrowe
nine of the Clock

Thursday the 25th of Aprill

Present All except the Secretary and M^r Bateman

Then was Called for the List of the Lawes yett wanting in the Province

Ordered that M^r Brookes goe downe to the lower howse to enquire of them whether they haue vnder their Consideracōn any Acte for millitary discipline Lymiting tymes of Servants or planting Corne

Then was p^resented the peticōn and Accompt^t of Hugh Lee

Ordered that the said peticōn and Accompt^t be referred to the Lower howse

p. 89 Ordered that an Acte declareing Crymes and offences be sent downe to the lower howse whoe are desired to certefye the Amendm^{ts} as they shall thinke fitt.

Ordered that an Acte for Conveyance of all Letters Concerning the State and publike Affaires be sent downe to the lower howse whoe are desired to certefye the Amendm^{ts} as they shall thinke fitt

Ordered that an Acte for lymiting tymes of Servants be sent downe to the lower howse whoe are desired to certefye the Amendm^{ts} as they shall thinke fitt.

Ordered that an Acte for millitary discipline being not yett sent downe be referred to the Consideracōn of the lower howse

The vpper howse Sent M^r Lloyd to desire a Conference with the lower house

Present the Secretary

The Governor represented to both howses the State of the Case concerning the persons indicted for Mutiny and Sedicōn in Charles County that they were contrary to the lawe by the Jury acquitted and desired them to provide for the future ag^t such mischeife by some Lawe

Ordered that an Acte for Encouragem^t of Souldiers as shall adventure in the defence of the Country be referred to the lower howse

The Vpper howse adjournes till nine of
the Clock to morrow morning

Fryday the 26th of Aprill

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Present all except M^r Bateman

Then came two members of the Lower howse and brought in their Vote for the persons Indicted for mutiny and Sedicōn to be cleared together with Ricckett Mecane his peticōn touching his freedome which was ordered that it be referred to the County Courte and that the Servant haue there liberty to Sue his Master And that the Sherriffe of S^t Marys carry this peticōn to the County Courte whoe are to see Justice done in the busines p. 90

Then was read an Acte for Encouragem^t of such Souldiers as shall adventure in the defence of the Country sent vp from the lower howse, with their Assent vnto itt Subscribed by their Clarke And voted to passe by the Vpper howse nomine contra dicente

Then was read an Acte concerning tryalls at Lawe and Excepcōns thereto made and sent downe to the Lower howse with an Intimacōn that if they desired a Conference with the Vpper howse they were ready to accept of one

Then was alsoe Sent a Draught of an Acte for the height and Strength of Fences which was alsoe referred to the lower howse their consideracōn

Then came three members of the lower howse and desired two Members of the Vpper howse to be joyned with them to drawe vp the Acte concerning the tryalls at lawe and Costs of Suite whereupon It was ordered that M^r Coursey and M^r Lloyd should joyne with them as aforesaid

Then was read the Acte for certaine officers which was sent vp from the lower howse with their assent vnto itt Subscribed by their Clarke

The howse adjourned whilst to morrow
morning nine of the Clock

Sattirday the 27th day of Aprill

Present all except M^r Bateman

Then went M^r Coursey to the lower howse for his Lo^{ps} Acte for the Supporte of Government which he brought

Then was read the Acte for Lymiting tymes of Serv^{ts}

The howse retournes the Acte for Lymiting tymes of Servants The Acte for Appoyntm^t of certaine Officers And the Acte for Supporte of the Governm^t with some Amendments p. 91

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Diuers of the Burgesses of this p^rsent Assembly doe p^rsent and accuse Thomas Hills of drunkenness and swearing diuers oathes the last night Humbly desireing that he may be punished therefore according to Lawe

Will Bretton Clk

The Vpper howse doth vpon the p^rsentment above mentioned order that the said Thomas Hills shall goe to the lower howse of this Assembly and there accknowledge his faults for sweareing with expressing his hearty Sorrow for the same and shall pay to the Lord Proprietary one hundred pounds of tobacco for his drunkennes

John: Gittings Clre:

Vpon Request of the lower howse the fine is remitted vpon the aforesaid Thomas Hills

Then was p^rsent the peti^cō of Samuell Chewe which was referred to the lower their Consideracōn

Then was reade an Acte for reviving certaine Lawes within this Province to which the upper howse assented

The howse ajournes till 9 of the Clock
on Monday morning

Monday the 29th Aprill

Present all except M^r Bateman

Then was read the Acte for lymiting tymes of Servants returned from the lower howse with the Amendments Incorporated and was in the last Clause concerning the Sherriffe amended againe and referred to further Consideracōn

Then was read the Acte for the height of Fences ret^d from the lower howse with their Assent and Amendm^{ts} therevnto made

Then was read the Acte for Millitary discipline sent from the lower howse with their Assent vnto itt and Excepcōns thereto made by the upper howse and referred to further Consideracōn

Then was read an Acte for Porte duties touching Masters of Shippes and was amended and referred to further Consideracōn

Then was read an Acte for Mayntenance for Ministers referred till to morrow morning

Then was read an Acte explayneing that parte of the Acte for the Secretarys ffes for Searcheing the Records which was referred till the next day

Then was p^resented the peticoⁿ of Nicholas Guyther which
was referred to the lower howse

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The Vpper howse ajournes till 9
of the Clock in the morning

Tuesday the 30th of Aprill

Present The Governor The Secretary, Robert Clarke Baker
Brooke Edward Lloyd and John Bateman Esq^{rs}

The Vpper howse Sent the Secretary to the lower howse for
a Conference

At a Conference

Then was read the Actes for appoyntm^t of certaine officers
which was passed with the Amendm^{ts}

Then was read the Acts for the height of fences Millitary
Discipline and the Acte explayning th^t parte of the Acte for
the Secretarys fees for Searching the Records which passed
with the Amendm^{ts}

And voted by the howse to to ingrossed Jmediately

Then was read the Acte for Repeale of the Acte for Cus-
tomes as alsoe the Acte for Supporte of Gouvernment Annexed
to itt

M^r Bateman dissassents to both
M^r Brooke Assents that they both pass
M^r Lloyd of the same with M^r Brooke
M^r Clarke the same with M^r Lloyd
The Governor the same with M^r Bateman

Then was read the Acte for the Setting vp of a Mint within
this Province

M^r Bateman Assents to passe
M^r Brooke not to passe
M^r Lloyd the same with M^r Brooke
M^r Clarke Assents to passe
M^r Coursey Assents to passe
The Governor Assents to passe

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Then was read the Acte for Conveyance of all Letters Con-
cerning the State and publike affaires

Which was voted unanimously to pass

Then was Read the Acte prohibiting trade with Indians for
Beefe or Porke

Voted by the howse an vnnecessary Acte

Then was read an Order Concerning the draweing of all
the Acts in force in this Province for every Respective County
Courte

U. H. Voted that the transcribing of the old Lawes now vpon
Journal Record is a perquesitt due vnto the Secretary and Cannot be
1659-69 Granted from him.

The Acte for Repeale of the Acte for Customes having never passed this howse as it is now penned and presented required a further tyme of consideracōn and therefore is referred till to morrow morning

The Vpper howse adjourned till nine of the
Clock in the morning

Wednesday the first of May

Present as yesterday

Then was read an acte for the Repeale of the Acte for customes and another Acte for the Supporte of the Government which was voted by the whole howse to passe

The Judgem^t of the Lower howse vpon Hugh Lees peticōn being Sent to the Vpper howse is referred till the next Conference

Vpon the readeing of a Bill p^resented by the lower howse concerning mayntenance for ministers It was voted to be
p. 94 altogether insufficient and short of the thing aymed att

The Lower howse desireing a Conference with the Vpper howse it was admitted of

Then was read the Acte for Porte duties touching Masters of Shippes and voted by the whole howse to pass

The howse Adjournes till 9 of the Clock
to morrow morning

Thursday the second of May

Present as before

Then was reade the Acte concerning the Burgesses tyme and charge which was voted by the whole howse to passe

p. 95 Acts made at a Generall Assembly held
at St John's in St Mary's County beginning
Aprill the seaventeenth 1661

An acte Impowring the Governor and Councell to Rayse forces and mayntayne a warre without the Prouince and to ayde the Sasquehannough Indians

Whereas it doth appeare to this p^resent Generall Assembly that this Province is in Eminent danger by a warre begun in

itt by some forreigne Indians as it hath been made appeare by credible informacōn given of a person lately killd and of others that are probably cutt off by these forreign Indians And that in humane probabillity our neighbour Indians the Sasquehannoughs are a Bullwarke and Security of the Northerne parts of this Province And that by former treatyes with that nacōn they haue very much assured vs of their affeccōns and friendship And that they expected the like from vs, And by their treatyes it was agreed Assistance should be granted to each oth[er] in tyme of danger And vpon their severall late Applicacōns to vs to that purpose Ayde hath been promis[ed] them accordingly

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It is Enacted and be it enacted [by] the Lord Proprietary of this Province by and with the advice and consent of the vpper and lower how[se] of this p^rsent Generall Assembly that the Governor with the advice and consent of the Councell haue power to leauy and rayse by presse or otherwise fifty able men with Armes and Provision and all things necessary for them to be sent to the Sasquehannough Forte for the end aforesaid And the proporcōn of the said Souldiers to be rayased out of the severall Countyes as followeth. (vizt) out of the County of St Marys Eleaven, out of Calvert County fiteene out of Charles County seaven, out of Anne Arrundell eleaven out of Kent p. 96 three, with one Interpreter a Captaine and a Chirurgion And for the pay of the officers and Souldiers aforesaid to be proporcōned as followeth vntill the Souldiers retourne To the Comānder in cheife Six hundred pounds of tobacco in Caske p moneth To the Interpreter six hundred p moneth to the Leiuetennant foure hundred p moneth To the Serjeant three hundred p moneth and to the Chirurgion foure hundred p moneth and to every private Souldier two hundred and fifty p moneth And be it further enacted by the authority aforesaid that for the defraying of the Charge of the said warre and all charges incident to itt That the Governor and Councell are hereby impowred to leavy by waye of Assessment p pole according to the vsuall Custome of this Province And in the Intervall of Assemblies to rayse what forces they in their discrecōn shall thinke necessary against the Cynacs or Nayssone Indians or any other Indians that shall be found to haue killed any of the Inhabitants of this Province or that haue or shall disturbe the peace thereof And the Charges to be defrayed as aforesaid This Acte to continue and be in force for two yeares or the next Generall Assembly which shall first happen

The Lower howse haue Assented }
Will Bretton Clk }

The Vpper howse haue
assented
John Gittings Clre:

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An Acte for Encouragem^t of such Souldiers as shall
Adventure in the defence of the Country

Be it Enacted by the Lord Proprietary by and with the Consent of the upper and lower howse of this p^rsent generall Assembly that every person that shall adventure as a Souldier in any warre in the defence of the Country and shall therein happen to be maymed or receive hurte shall according to his place and Quallity receive mayntenance from the Country according to his disabillity for mayntayning him selfe

The lower howse haue assented	}	The Vpper howse haue
Will Bretton Clk		Assented
		John Gittings Clre:

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An Acte for the Reviueing of certaine lawes
within this Province

Whereas at a Session of Generall Assembly held at St Leonards in Calvert County in this Province of maryland the twenty Seaventh day of Aprill in the yeare of our Lord God One thousand Six hundred fifty and Eight certaine Acts or lawes were then and there assented vnto by both howses, and Enacted for lawes by Josias Fendall Esq^r then Governor of the Province in the Lord Proprietarys name Lord and Proprietary thereof which said Acts are all of them Expired being temporary lawes yett for that the said Acts haue been Judged by dureing the tyme of their Lymitacōn and found very necessary and Convenient and noe wayes hurtefull either to the Inhabitants or Merchants tradeing hither but contrarywise much Conducing to the Publike Good of this Province It is therefore Enacted And be it Enacted by the authority of this p^rsent generall Assembly that the Acte entituled an Acte concerning the Gage of tobacco hhd^s And that other Acte alsoe entituled an Acte for the killing of wolves And likewise the Acte entituled an Acte prohibiting Ground leaues and Seconds Alsoe an other Acte entituled an acte concerning a Register of Births marryages and burialls And that Acte entitu[led] an Acte concerning Servants that have Bastards And the Acte entituled an Acte for the publicacōn of ma[r]ryages And that other Acte entituled an Acte for t[he] Advancem^t of Childrens estate Be all and every of th[em] as they are here rehearsed and Sett downe renewed a[n]d stand in force within this Province according to the lymitacōn in the said severall Acts expressed This Acte to endure for three yeares or to the end of the next Generall Assembly.

The lower howse haue
Assented Will Bretton Clk

The Vpper howse haue
Assented
John Gittings Clre:

An Acte lymiting Servants tymes

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Whereas certaine differences too frequently arise betwixt Masters and Servants in this Province in and aboute the tyme of Services and Customes often pleaded on both sides in this minority of Seateing for prevencōn of the like It is Enacted And be it enacted by the Lord Proprietary with the Consent of the upper and lower howse of this p^rsent generall Assembly that every Servant transported into this Province after the end of this Assembly being of the full age of twenty and two yeares or vpwards not haueing Indenture or other sufficient testimony for the tearme or tyme of his or her comeing in, such servant shall serue him or her that transported and payd the passage of the said Servant or their Assigns from and after their first Arrivall into this Province the full tyme of foure yeares if Betweene the age of Eighteene and two and twenty yeares such Servant shall Serue five yeares if Betwixt the age of fiteene and Eighteene such Servant shall serue six yeares And any Servant of what age soever vnder fiteene yeares and coming in as aforesaid shall serve till he or she Arrive to the age of one and twenty yeares. p. 98

And be it further Enacted that every Master Mistres or Dame Assigne or Trustee of what kind soeuer owneing or keeping any such Servant as aforesaid whether by vertue of transportacōn purchase or otherwise shall within three moneths next after the Receiueing such Seruant into their Custody within this Province bring the said Servant into their respectiue County Courte where they doe inhabite And every of the said Courts are hereby authorized to Judge of and determine the age of such Servants soe brought and cause the same to be Entred vpon Record And every Owner as aforesaid neglecting or refuseing to bring such Servant or Servants before the Courte as aforesaid shall loose one yeares tyme of Service of the direcōns aforesaid And if any Master or Servant aforesaid be aggriued with the determinacōn of the Courte He shall within the tyme determined for their Service produce an authentick Certificatt of such Servants age and shall haue remedy according to the ages aforesaid p. 99

And be it further Enacted by the authority aforesaid that noe Indenture made by any Servant during the tyme of Service due by former Indenture or by determinacōn of the Courte according to the tenor of this acte shall any wise oblige any Serv^t for longer tyme then by his first Indentu^t or determinacōn of the co^{rt} shall be lymited and appoynted. Provided that this Acte nor anything there in conteyned shall not Giue or be construed to give any Benefitt to any Slaue whatsoever

U. H. This Acte to endure for three yeares or to the End of the
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The lower howse haue Assented The Vpper howse haue
assented

Will Bretton Clk: John Gittings Clre:

An Acte for the appoyntm^t of Certaine
Officers

Be it Enacted by the Lord Proprietary of this Province by
and with the Consent of the Vpper and lower howse of this
p^rsent Generall Assembly, that the Justices of peace in every
County at the first County Courte held after michās shall nomi-
nate and appoynte some Inhabitants in every hundred or Con-
stablerie not being of the Councell or by his office or Employ-
ment otherwise priviledged to be Constable of that Hundred
or Constablerie whoe shall Execute all p^r[cepts] and Warrants
to him directed And shall in all thinges h[aue] the like power
within the said Hundred or Constabler[y th:] any Constable
hath or ought to have in a Constablerie [in] England by the
lawe or Custome of England The said Con[sta]ble shall take
oathe in mannor and forme following (viz)

Yo^a shall sweare that yo^a shall well and truely Serve his
Lop. in the office of Constable yo^a shall see and cause that his
Lop^s peace be well and duely kept according to yo^r power yo^a
shall arrest all such persons as in yo^r p^rsence shall Comitt or
make any Ryott affray or other Breach of his Lop^s peace yo^a
shall doe yo^r best Endeavor vpon Complaynte to yo^a made to
apprehend all fellons Barrettors Ryotters or persons riotously
Assembled And if any such offendor shall make any such Re-
sistance with force yo^a shall leavy hue and Crye and shall pur-
sue them vntill they be taken yo^a shall doe yo^r best endeavor
hue and Crye be duely raysed & pursued against Murtherers
Theeues and other fellons and fugitive Servants And that the
Lawes and orders against vagabonds and such other idle per-
sons comeing within yo^r Lymitts be duely putt in Execucōn
At yo^r County Courte yo^a shall p^rsent all offences done ag^t the
seuerall Acts made for the repressing of drunkennes And
alsoe true p^rsentm^t make of all Bloodshed affrayes Outcryes
Rescues and other offences committed ag^t his Lop^s peace with-
in yo^r lymitts yo^a shall well and truely execute all p^rcepts and
Warrants to yo^a directed from the Justices of peace of this
County or higher officers And yo^a shall well and duely accord-
ing to yo^r knowledge power and abillity doe and execute all
things belonging to the office of a Constable soe long as yo^a
shall continue in this office Soe helpe yo^a God:

And if the person soe nominated and appoynted shall refuse to serve in the said office by himselfe or his deputy or to take the oathe when tendered vnto him by the Justice of the peace aforesaid, shall forfeite to the Lord Proprietary or his heires the sume of five hundred pounds of casked tobacco or the vallue thereof to be leauyed vpon his Goods and Chattles And if the pson soe offending shall not haue Goods and Chattles sufficient within this Province to satisfye the aforesaid penalty or that the same be not speedily satisfyed then shall the person soe offending suffer two moneths Imprisonm^t without Bayle or Mayne prise And be it further enacted by the authority aforesaid that all persons whatsoever that shall be here after nominated and appoynted Justices of the peace Sherriffs and Coroners within this Province by the Right honorable the Lord Proprietary of this Province or his heires lords and Proprietarys of the same or his or their Lieutennant for the tyme being shall refuse to Execute the office of Justice of peace Sherriffe or Coroner within this Province or to take the oathes of Justice of the peace Sherriffe or Coroner shall forfeite to the Lord Proprietary and his heires one thousand pounds of Casked tobacco or the vallue thereof to be leauyed vpon his Goods and Chattles And if any person soe offending shall not haue Goods and Chattles sufficient within this Province to satisfye the aforesaid penalty or that the same be not speedily satisfyed then shall the person soe offending Suffer imprisonm^t foure moneths without Bayle or mayne prise.

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And be it further Enacted by the authority aforesaid that whosoever shall be Sumoned by writt out of any Courte of Justice of this Province to serue as Juror in any tryall in any Courts within this Province and shall refuse to serue in any case depending whether Criminall or Civill not being by any other office Exempted) and thereto lawfully required shall forfeite to the Lord Proprietary and his heires five hundred pounds of casked tobacco or the vallue thereof to be leauyed vpon his Goods and Chattles And if any person soe offending shall not haue Goods and Chattles within this Province to satisfye the aforesaid penalty or that the same be not speedily satisfyed then shall the person soe offending suffer two moneths Imprisonm^t without Bayle or Mayne prise

And be it further Enacted by the authority aforesaid that whosoever being by writt lawfully Summoned and thereby Required to serve as Wittnes in this Province and shall refuse to testefye vpon oathe in any case depending wheth[er] Criminall or Civill shall forfeite to the Lord Propriet[ary] five hundred pounds of tobacco to be leauyed vpon his [or] her Goods and Chattles And if any person soe offending shall not haue Goods and Chattles within this Province sufficient to

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 satisfie the aforesaid penalty or that the same be not speedily
 satisfied then shall the person soe offending suffer two moneths
 Imprisonm^t without Bayle or Mayneprise

Provided that this Acte nor any thing therein conteyned shall
 not extend nor be Interpreted to Extend to the p^rjudice of any
 of the lords of Mannors within this Province in their priviledges
 of appoynting Constables within their Respectue Manno^{rs}

And be it further Enacted that every County Courte yearly
 p. 102 some tyme in the moneth of March doe p^rsent to the Right
 honorable the Lord Proprietary and his heires or to his or their
 Leiuetenn^t or Cheife Governor of this Province three persons
 out of which three his Lop. or his heires or his or their Governor
 of this Province may appoynte one to serue as Sherriffe And
 that such Sherriffe soe appoynted as aforesaid shall serue as
 Sherriffe one year and noe longer This Acte to endure for
 three yeares or to the end of the next Generall Assembly

The lower howse haue Assented
 Will. Bretton Clk

The vpper howse haue
 Assented
 John Gittings Clre:

An Acte for Millitary discipline

For as much as the Exerciseing and Trayneing vp of Soul-
 diers in the Arte of warre and Millitary discipline is at all
 tymes most necessary And hath even in theis tymes of danger
 for want of a Setled lawe thereto provideing been most of all
 neglected to the Endangering of the whole Collony Be it
 enacted by the Right honorable the Lord Proprietary with the
 advise and Consent of the vpper and lower howse of this p^rsent
 Generall Assembly that every Collonall Leiuetennant Coll.
 Major or Captaine of any trayned Bands within this Province
 shall haue power to Enlist such and soe many persons in-
 habiting within their respectue and severall diuisions betweene
 Sixteene and Sixty yeares of age as they shall thinke fitt, not
 being priviledged by their place Employment or Impotency to
 be of their trayned Bands which persons soe to be Enlisted
 they shall muster Exercise and trayne vp once every three
 moneths certaine and oftner if the Governor and Councell shall
 see cause soe to order And every person enlisted into any
 trayned Band shall be bound to appeare vpon a Sumōns or
 Warning Giuen by the officers of the trayned Band foure tymes
 every yeare or as often as he shall be therevnto lawfully re-
 quired by the officers Comāding such trayned Band and there
 muster Exercise and trayne according as he shall be by the
 said Officer commanded And if any person soe Enlisted
 p. 103 summoned or Warned as aforesaid shall not appeare according

to such Summons with one Good serviceable fixed Gunn and Powder according to his Summons and order or shall refuse to muster Exercise or Trayne at the Comānd of the said Officer shall yearely forfeite for every such offence comitted fifty pounds of tobacco the one moiety to the Lord Proprietary and the other moyety to the vse of the Company vnles he shew Good cause why he did not appeare as aforesaid to be allowed by the officer Comāding in the said Company And be it further Enacted by the authority and Consent aforesaid that the Sherriffe be by Warrant vnder the hand of the Coll. Leiuetenn^t Coll. Major or Captaine, or any other officer Comāding in such trayned Bands sufficiently authoriz'd to leauy the Fine aforesaid vpon any the Goods or Chattles of any of the persons soe offending as aforesaid And if any person or persons shall be obstinate and maliciously refuse to Exercise muster or Trayne as aforesaid And shall be thereof Convicted by two sufficient Wittnesses before the Governor and Councell or any Courte of Record after the third tyme in any one yeare being called thereto shall be fined five hundred pounds of Casked tobacco the one halfe to the Lord Proprietary and the other halfe to the Company to be leauyed as aforesaid And if in case any such person as aforesaid shall not haue Goods nor Chattles to sattisfy the said fine of five hundred pounds of casked tobacco shall Suffer two moneths Imprisonm^t without Bayle or Mayne prise. And in case any of the aforesaid Officers shall happen to enlist any Servant in this Province and that their Master or Da[me] shall refuse to lett such Servant soe enlisted goe to such p[lace] or places soe appoynted by the respectiue Officers for trayneing or shall refuse to furnish such Servant or Servants with sufficient Gunns and Amunicōn shall be lyable to such fine or fines as the aforesaid respective officers ought according to this Acte from tyme to tyme to lay vpon any Freeman Comitting the like offence. This Acte to endure for three yeares or to the end of the next Generall Assembly

The lower howse haue
Assented
Will. Bretton Clk

The Vpper howse haue
Assented
John Gittings Clre.

An Acte Concerning the height of
Fences

p. 104

Whereas diuers people in this Province haue and doe make Insufficient Fences aboute their Corne feilds whereby Cattle and horses are apt to goe in and destroy the said Corne for p'uen-
cōn of which for the future Be it Enacted by the Lord Proprietary by and with the Consent of the upper and lower howse

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of this p^rsent Generall Assembly That all fences for Corne feilds within this Province shall be five foote in height round the said feild sufficient and strongly made in the Judgem^t of two Indifferent men viewing the same in case of trespas And in case any horse or horses or other cattle shall happen to leape over such fence as aforesaid or breake it downe it being sufficient and strongly made as aforesaid That then the Owners of such horse or horses or other Cattle shall be lyable to pay the trespas And in case the said Fence be not soe high that then the Owner or owners of such Corne feilds shall beare their owne losse co^mmitted by the horse horses or Cattle as aforesaid And in case any Inhabitant wthin this Province shall venture to kill any horse horses or other Cattle The party soe killing shall forthwith pay vnto the party Greiued soe much tobacco as the County Courte where such offence is co^mmitted shall Judge the damage or losse to be

And be it further Enacted that all trespasses or other damages Susteyned on either parte shall be adjudged by the respective County Courts where such offences shall be committed and the viewers of such damage or trespas as aforesaid shall certefye the same vnto the said County Courte vpon oathe this Acte to be in force from and after the fiue and twentyth day of March next And then to endure for three yeares or to the End of the next Generall Assembly

The Lower howse haue Assented	The Vpper howse haue Assented
Will Bretton Clk.	John Gittings Clre.

p. 105

An Acte Concerning the Setting vp of a Mint within this Province of Maryland

For as much as money being the Rule and measure of the vallue of Commodities noe trade or Co^merce can be well managed without itt, And the want of itt in this Province is a mayne hinderance to the Advancement of this Collony in Trades Manafactors Townes and all other thinges which conduce to the flourishing and happy State thereof Wee the Freemen of this Province assembled in this present Generall Assembly doe humbly praye the Lord Proprietary of this Province to take order for the Setting vp of a Mint for the Coyning of money within this Province and Consent that it may be Enacted And be it Enacted by the Lord Proprietary with the consent of the vpper and lower howse of this p^rsent Generall Assembly that the money soe Coynded or which shall be Coynded in the said Mint shall be as good Silver as the Currant Coyne of English Sterling money, And that the weight of every Shil-

ling soe Coyned as aforesaid shall weigh above nine pence in such Silver as aforesaid And so proporconably for other peeces of money Coyned in the said Mint

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And it is further Enacted that every offence of Clippi[ng] Counterfeiting Stealeing washing or any way diminish[ing] any Coyne soe to be made within this Province, or of wittingly Importing into this Province any Coyn[e] Counterfeiting any Sorte of Coyne which shall be made in the said Mint, or that shall be by the Lord Proprietarys authority and the authority of this p'sent Assembly, made Currant shall be deemed and adjudged Felony and every offender thereof Convict according to the lawe of this Province shall suffer payne of death and forfeite his or her lands Goods and Chattles within this Province to the Lord Proprietary and his heires Lords and Proprietarys of this Province

And it is further Enacted by the authority aforesaid that the Lord Proprietary and his heires Lords and Proprietarys of this Province shall take and Accept the said Coyne in payment for his Rent Arreares of rent and all other Engagem^{ts} due vnto him the said Lord Proprietary and his heires lords and Proprietarys of this Province according to this Acte

The Lower howse haue Assented	The Vpper howse haue Assented
Will: Bretton Clk	John Gittings Clre.

An Acte for Conveyance of all Letters
Concerning the State and Publike
Affaires

Be it Enacted by the Authority of this p'sent Generall Assembly that all Letters whatsoever to or sent from the Governor or Governor and Councill or any his Lo^{ps} Councillors or Justices of the peace touching the publike affaires of this Province shall without delay be sent from howse to howse, the direct way till they be safely delivered as directed; And every person after Receipt of such Letter delaying to carry the said letters to the next howse above the tearme of halfe an houre shall pay for a fine to the Lord Proprietary One hundred pounds of tobacco vnles it were deliuered soe late in the daye as that it could not before night be deliuered at the next howse or that through violence of wynd or Tempest it could by noe meanes be sent over the Creeke or River, if any Chance to be betweene the howse where such letter shall be deliuered And the howse to which it ought to be Conveyed And be it further Enacted that all publike letters shall be superscribed by the person directing or sending the said letter vpon the out side of

U. H. the said letter that (vizt) to be sent from howse to howse And
 Journal then Subscribe his name this Acte to endure for three yeares
 1659-69 or to the end of the next Generall Assembly

The lower howse haue Assented The vpper howse haue
 Assented
 With: Bretton Clk. John Gittings Clre:

p. 107

An Explanacōn of that Clause in an Acte
 made by Captaine William Stone the
 29th of Aprill 1650 concerning the
 Secretaries and Sherriffes ffees

Whereas there hath been diuers disputes raysed concerning
 the fees due to the Secretary for Searcheing the Records Both
 howses doe make this Interpretacōn of itt (viz^t) To haue foure
 pounds of tobacco p ann onely notwithstanding Searches made
 in severall Bookes (viz^t) without any Addicōn of the former
 yeares to be annexed to the Search of the last Search found

An Acte for the Repeale of the
 Acte for Customes

This Assembly Considering the Clashing Betweene the Lawe
 made at the Assembly held the second day of January 1646 at
 S^t Innagoes Forte wherein in Consideracōn of the Custome in
 that Acte granted to his Lo^p the Right honorable the lord Pro-
 prietary he doth vndertake the whole charge of the Govern-
 ment both in warre and in peace and that other Acte confirmed
 by his Lo^{ps} declaracōn beareing date the six^t day of August
 1650 Entituled an acte concerning [the] leavying of warre
 within this Province in the last Clause [of] which Acte the
 whole charge of any warre ariseing within this Province is to
 be leauyed vpon the Province by an equall Assessment vpon
 the persons and Estates of the Inhabitants thereof any thing
 in that Acte or any other acte to the Contrary thereof notwith-
 standing And further takeing into serious Consideracōn the
 Burthen of that Acte and the vast charge that hath been drawne
 vpon the Province by the late trecherous Revolte of Josias
 p. 108 Fendall and his Complises And the Greate Expense they must
 be at to defend the Province against the Incursions of the Jane-
 doe Indians that of late haue murdered some of the Inhabitants
 thereof the which Charge by Acte of this p^rsent Assembly they
 have vndertaken Doe pray that by the authority of the Lord Pro-
 prietary with the Assent of the vpper and lower howse of this
 Generall Assembly the said Acte made at an Assembly held
 the second day of January 1646 at S^t Innagos Forte and en-

tituled an Acte for Customes may be repealed And be it
Enacted by the authority and Consent aforesaid that the said
Acte for Customes is hereby vtterly repealed forever

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The lower howse haue Assented The Vpper howse haue
assented

Will Bretton Clk

John Gittings Clre:

An Acte for Supporte of Governm^t

To the End that wee the Inhabitants of this Province may
not be wanting to our selues whoe are to reape the fruits of
peace procured by a certaine and setled Gouvernment and that
wee may as farre as our Condi^cōn will permitt accknowledge
our thankefullnes to the Lord Proprietary of this Province for
his care and protection of vs in our Just rights (by raying a
Supporte for the Government. Be it Enacted by the authority
and Consent of this p^rsent Generall Assembly that noe person
shall trade with any Indians of this Province or goe through
any Rivors of this Province to trade with any Indians to the
Northward of this Province without lycence of his Lo^p or of
his Governor for the tyme being vpon payne of forfeiture to
his said Lo^p of all Co^modityes vnlawfully traded for and of all
vessells and trucke vnlawfully traded wth to the Contrary here-
of And that every taxable person within this Province shall
pay yearely twelue pounds of Casked tobacco p pole to his
Lo^p and his heires lords and Proprietarys of this Province for
to be employed to the Supporte of the Governm^t here And
that his Lo^p may be assured that when the Charge of the
Indian warre either by peace or Victory is taken away Wee
doe really Intend to Contribute as largely as our Estates and
fortunes will permitt to the Supporte of his Gouvernment And
that to our owne protection Be it further Enacted that that
Clause in this Acte giving twelue pounds of tobacco p pole
for the Supporte of the Government endure for three yeares
only or to the End of the next Generall Assembly

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The lower howse haue Assented The Vpper howse haue
Assented

Will: Bretton

John Gittings Clre:

**An Acte for leauying Eighteene pounds of tob.
p pole rayسد the last yeare**

Be it Enacted by the Lord Proprietary by and with the
advise and Consent of the vpper and lower howse of this
p^rsent Generall Assembly that the Taxe of Eighteene pounds

U. H. of tobacco leauyed the last yeare be this yeare payd where it
 Journal was not payd the last yeare And that Collonall Nathaniell Vtye
 1659-69 M^r Thomas Gerrard M^r Robe[rt] Slye the Boate and men
 that carryed Captaine Fenda[ll] and M^r Bateman vp the Baye
 and such other just du[es] as the Governor and Councell shall
 approve of and appoynte be payd out of the said leauy The
 Remayn[s] of the said Leavy to be to the p^rsent Governor
 towards the defraying the Charge in Proclayming the King
 and paying the Guards of Souldiers

The lower howse haue Assented The upper howse haue
 Assented

Will Bretton Clk: John Gittings Clre:

An Acte for Porte dutyes and Masters of Ships

Be it Enacted by the Lord Proprietary with the Assent of
 the Vpper and Lower howse of this p^rsent Generall Assembly
 p. 110 That all Vessells whatsoever not properly belonging to this
 Province hauing a deck flush fore and afte comeing in and
 tradeing within the Province shall pay for Porte dutyes or
 Anchorage halfe a pound of powder and three pounds of Shott
 or soe much in vallue for every Tunne of Burthen to the Lord
 Proprietary and his heires

And be it further Enacted that all Masters or Co^manders of
 Ships and other Vessells as aforesaid comeing into this Pro-
 vince to trade shall giue Bond of three thousand pounds of
 tobacco within tenn dayes after their arrivall in the Province to
 the Governor or other officer appoynted by him or to some
 Justice of the peace of Complying and observing all Acts and
 orders of the Province during their Stay and being in the Pro-
 vince And be it further Enacted by the authority aforesaid
 that all Masters or Cheife Co^manders of Ships or other lesser
 Vessells tradeing or being in this Province that shall p^rsume or
 attempt to punish any Inhabitant of this Province either by
 strikeing or tying to the Capstone or by any other way what-
 soever Inflicting or Attempting to Inflict any punishm^t within
 or vpon their said Ships or Vessells or any Inhabitant as afore-
 said Contrary to the peace of the Lord Proprietary of this
 Province shall forfeite and pay foure thousand pounds of
 tobacco the one halfe to the Lord Proprietary and the other
 halfe to the party greived

The lower howse haue Assented The vpper howse haue assented
 Will Bretton Clk John Gittings Clre:

An Acte concerning the Killing wilde Cattle

Whereas divers Inhabitants of this Province are much damp-
 nified in their Stocks of Cattle and molested by reason of

severall heards of wilde Cattle resorting amonge their tame for the prevencōn of which for the future Be it Enacted by the Lord Proprietary with the Consent of the vpper and lower howse of this Generall Assembly that it shall be lawfull for such person or persons within this Province laying Just Clayme by their marks to any marked Cattle Running amongst such wilde heards or droves to vse all Lawfull meanes at any tyme before the first day of december next for the Getting in such marked Cattle as aforesd Provided they distroye not any other Cattle wilde or tame but such as they can Justly Clayme by their marks to be their owne or by some obligacōn they are Bound to looke after.

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And be it further Enacted that the Governor shall Constitute and appoynte such and soe many persons as he shall thinke Convenient in such precinct where such wilde Cattle be and resorte for the destroying the same allowing two Shares to the cheife Hunter still Reserving the Tallowe and Hides of such Cattle killd to the Lord Proprietarys vse whoe shall hunte at any tyme and as often as the Governor shall thinke fitt and appoynte Between the first day of december and the last day of February following And soe yearely till the said wilde Cattle be wholly killd and destroyed. And it is further Enacted that it shall be lawfull after the end of february vntill the first of december for any Inhabitant of this Province to kill any wilde vnmarked Cattle resorteing in Company with their tame Cattle to any of their Cowpens reserving still their Tallowe and Hides to the Lord Proprietarys vse as aforesaid

Provided that this Acte doe not infringe the pr[ivi]ledges of any lords of Manno^{rs} within their respective Manno^{rs}

The lower howse haue Assented
Will Bretton Clk

The Vpper howse haue
Assented
John Gittings Clr[e:]

An Acte Concerning the Burgesses tyme and Charge

Be it Enacted by the Lord Proprietary with the consent of this p^rsent Generall Assembly that each respectiue County shall this next ensueing Cropp satisfye their respectiue Burgesses tyme of attendance and charges as followeth (viz^t)

St Marys County Burgesses	8000	p. 112
Charles County Burgesses	4000	
Calvert County Burgesses	8000	
Anne Arrundell County Burgesses	4000	
Kent County Burgesses	4000	
Baltimore County Burgesses	2000	

lb tob, caske

And it is further Enacted that those Countyes whoe have

U. H. Employed hands and Boates to carry their Burgesses out and
Journal home such men and Boate hyre be payd and sattisfyed by each
1659-69 respectiue County as the Com^{rs} in those Countyes shall ap-
poynte for their tyme and expence during the Assembly

And it is further Enacted that Coll William Evans have 1200^{lb}
tobacco payd him for himselfe and Souldiers Employed as is
expressed in the Journall 25^o Aprilis out of the publike leavy

And M^r Robert Cole be payd 270^{lb tob} according to the Jour-
nall 30th Aprill out of the publike leauy.

And M^r John Norwood be payd 5975^{lb tob} out of the County
of Anne Arrundell and 335^{lb tob} out of the publike Leauy ac-
cording to the Journall 30th Aprill

And that the Doore Keeper Thomas Hynsteed be payd 300^{lb}
tob. out of the publike leauy 1st May

And that William Bretton Clk of the Assembly be payd
2000^{lb} tob. out of the publike leauy according to the Journall
1st May.

The lower howse haue assented
Will Bretton Clk

The Vpper howse haue
Assented
John Gittings Clre:

P. 113

A Declaracon
By the Lord Proprietary of Maryland

C Baltemore

Whereas That perfideous and perjured fellowe Fendall
whome wee lately intrusted to be our Leivetennant of Mary-
land to cloke his trecherous and ambitious designes and Con-
trary to his oathe and truste to incite the people there to Joyne
with him in raysing a Sedicōn and faccōn against our Juris-
diccōn and right of Government there made a Sinister vse as
wee are Credibly informed of a passage of our letter to him of
the seaventeenth November One thousand Six hundred fifty
nine for procureing an Acte of Assembly in Maryland for a
Custome of two shillings for every hogshead of tobacco Ex-
ported from thence to any Porte of Greate Brittain or Ireland
and of tenn shillings for every hogshead exported to any other
Porte. And possessed the people there with apprehensions, as
if he had orders from vs, which he never had that in case such
a lawe did not passe [to] putt in p^rsent Execucōn the Acte for
Customes made January One thousand Six hundred forty
Six for the payment of tenn shillings p hhd for all tobacco
expo[r]ted out of that Province Wee thought fitt hereby to
decla[re] to them what our Proceedings haue truely beene and
what our Intencōns and desires are in that matter (viz^t) Heare-
ing of some Complaynts against that Acte for Customes made

in the yeare 1646 as if it had been Extorted by force or feares from the Assembly there which nevertheles wee are satisfiſyed by some yett liveing that were then p^rſent, it was not, and that it would be too burthensome to the people there and a greate discouragement to Trade if that Lawe should in that particular of tenn shillings a hogshead be putt in Execucōn Wee ordered the said Fendall (which it seemes he wickedly concealed from the people to suspend the Execucōn of the said Acte And by our Com^{on} to him bearing date the sixteenth of November 1659 wee authorized him to repeale the said Acte with the Consent of the Assembly there in case and vpon condicōn that other lawe concerning two shillings a hhd above mencōned were passed by the Assembly there instead thereof, alleadgeing in our said letter of the Seaventeenth of November how reasonable a demand it was in compare to the taxes which were Granted in Virginia for that end nor cann wee but be still confident that all those whoe vnderstand any thing of the nature of Government and of the necessity to supporte it for the peoples benefitt and protection and that haue any Good affeccōn for vs and our Right there will thinke it reasonable to settle some considerable Revenue in the waye of Custome or otherwise for the Supporte of the Governm^t and publike vses there in the same manner as their Neighbours and all other Collonies doe And to shewe to the world that wee desire noe more Wee doe hereby authorize and require our deare Brother Philip Calvert Esq^r our Lieuetenn^t of the said Province in our name with the Consent of the next Generall Assembly there to repeale the said Acte for Customes made in the yeare 1646 vpon Condicōn that another Acte in liewe thereof be passed at the same tyme by the said Assembly and Assented to in our name by our said Leivetenn^t whereby wee and our heires and our and their Leiuetennant or other officers there for the tyme being whoe shall be from tyme to tyme authorized by vs for that purpose may be impowred to leavy vpon the people from tyme to tyme inhabiting or being in and tradeing to Maryland for the Supporte of the Governm^t and publike vses there such Customes Taxes and duties proporconably and noe more as at the same tyme are or shall be payable in Virginia by the people of that Collony for the like purpose and vses there respectiely beyond which wee doe not desire that the people of Maryland should be any way charged And alsoe to inflicte the like paynes penaltyes and forfeitures vpon any pson or persons there whoe shall refuse to pay such customes taxes or duties as is or shall be lawfull from tyme to tyme to be inflicted by the Gouvernment of Virg^a vpon any person or persons in Virginea whoe shall refuse to pay the like Custome taxes and duties in Virg^a Respectiely And that the same Clause or Clauses concerning

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the trade with the Indians be inserted into the said Acte as is in the said Acte made in 1646 above mencōned Concerning Customes And in the meane tyme wee doe hereby will and require our said deare Brother to suspend the Execucōn of the said Acte made in 1646 as to those particulers of the Custome of tenn shillings a hhd upon tobacco and the Custome or duty layd vpon wyne and strong waters This wee hope will satisfye the people there that wee neither haue nor had any Intencōn in the leaste to oppresse them nor can wee belieue that our Assent meerely to a lawe which was formerly passed by an Assembly there and the proposalls [of] another lawe instead thereof lesse burthensome (viz) to have instead of tenn shillings but two intimate[ing] only that in case the latter were not passed there would be an necessity of makeing vse of the former which was all wee did (for wee were soe farre from directing Fendall to leauy the said tenn shillings a hogshead as contrarily wee did by other letters require him to suspend the Execucōn thereof could be esteemed by the people soe greate an oppression as to cause such Greate mutacons there had they not been beguiled by the Crafte and Subtilty of that false vngratefull fellowe Fendall whoe it seemes could not endure to be tould of his faults and Exorbitances as his negligence at Courts and his Contradicting orders of Courte yea even orders made by himselfe and the Councell wth Expresse provision included that they should not be altered but by himselfe and the Councell &c which Complaynte against him wee gaue him notice of and haue since found to be true though wee could not at first beleieue soe ill of him This it seemes made him guilty to himselfe that he was not fitt to be continued in his place and consequently being provoked alsoe therevnto by other base humors in him to take that desperate Course of revolting from his truste vnder vs there and engageing many innocent people in that his wicked designe of overturnning the Governm^t there which he may haue cause to soone to repent but as to the Generallity of the people which were seduced by him Wee have Given order to our said deare Brother vpon their tymely Submission and assurance of their hearty Sorrow for being soe seduced and of their future fidellity and Good Comportment to us and our Governm^t there to pardon them some few only excepted whome he shall finde did Acte therein more out of mallice then Ignorance and with the same Spirritt and designe as Fendall himselfe did Giuen vnder our hand and Greater Seale at Armes this foure teenth day of September in the nine and twentyth yeare of our Dominion over Maryland And in the yeare of our Lord God One thousand six hundred and sixty.

PROCEEDINGS AND ACTS
OF THE
GENERAL ASSEMBLY
OF MARYLAND,

At a session held at St. Mary's, April 1—12, 1662.

CECILIUS CALVERT, LORD BALTIMORE,
Proprietary.

CHARLES CALVERT,
Governor.

THE UPPER HOUSE OF ASSEMBLY.

February 18th 1661

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Cæcilius Absolute Lord and Proprietary of the Provinces of Maryland and Avalon Lord Barron of Baltemore &c To the Sherriffe of S^t Marys County Greeting whereas by the advice and Consent of our Councell Wee haue determined to hould an Assembly of the Freemen of our Province at S^t Marys vpon the first of Aprill next ensueing there to Consider of certaine things concerning the State and welfare of this our Province of Maryland Wee Command yo^u Nicholas Gwyther Sherriffe of S^t Marys County that makeing Proclamacōn as soone as Conveniently may be after the receipt of this writt, att the discrecōn of the Freemen of yo^r County yo^u cause one two three or foure discrete Burgesses to be elected to Serue in the said Assembly There to doe and Consent to such things as by Comon Consent hoppen to be ordeined and Enacted in the businesses aforesaid Soe that through want of sufficient power or inconsiderate Eleccōn of the aforesaid Burgesses the businesses aforesaid may not remayne undone or neglected And make y^r retourne of this writt into the Secr^{ys} office by the 20th day of March next Giuen at S^t Marys the 18th of February in the 30th yeare of our dominion over the sd. Province Annoq. dñni 1661

The like writt issued eodem die to the Sherriffe of Calvert County

The like to the Sherriffe of Charles County
The like to the Sherriffe of Anne Arrundell County
The like to the Sherriffe of Kent County
The like to the Sherriffe of Baltemore County
The like to the Sherriffe of Talbott County

February 18th

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Cæcilius Absolute Lord and Proprietary of the Provinces of Maryland and Avalon Lord Barron of Baltemore &c To our Trusty and welbeloued Henry Sewall Esq^r our Councillor and Secretary Greeting in our Lord God Everlasting Whereas wee haue appoynted to hould a Generall Assembly of the Freemen of our Province at S^t Marys vpon the first of Aprill next Wee doe therefore hereby will and require yo^u that all excuses and delays Sett a parte yo^u repayre in person to the said

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Assembly at the tyme and place prefixed there to advise and Consulte with us touching the important affayres of our Province Giuen at S^t Marys the 18th day of February in the thirtyth yeare of our dominion over the said Province Annoq. domini 1661

The like to Robert Clarke Esq^r
The like to Baker Brooke Esq^r
The like to Edward Lloyd Esq^r
The like to John Bateman Esq^r
The like to James Neale Esq^r
The like to Henry Coursey Esq^r
The like to Philip Calvert Esq^r Deputy Governo^r

p. 119

At an Assembly begun at S^t Marys the first of Aprill 1662

Present Charles Calvert Esq^r Leivetenn^t Generall
Philip Calvert Esq^r Deputy Leivet^t and Chancello^r
Henry Sewall Esq^r Secretary
and Robert Clarke Esq^r Councillor

S^t Marys County Then appeared as Burgesses for S^t Marys County
Coll: William Evans Luke Gardner Thomas Turner and Richard Willan: Gentlemen.

Kent County Cap^t Robert Vaughan and Richard Blunt. gent.

Calvert County Richard Preston and Cap^t Thomas Manning gent Leivetenn^t Thomas Trueman and Richard Smith

Ann Arrundell County Robert Burle Richard Beard and Ralph Hawkins gent.

Charls County Zachary Wade. gent

Baltemore County Coll. Nathaniell Vtye Cap^t Thomas Stockett. gent

Talbott County Leivetenn^t Richard Woollman gent.

In the p^rsence of whome the Leivetenn^t Generall in the name of the Lord Proprietary declared his Lo^p^s Assent to the Repeale of the Acte for customes made at S^t Innagoo 1646 and then Licenced the Burgesses to departe to choose their Speaker After which came M^r John Bateman and M^r Baker Brooke who were hindred by the Weather.

M^r Lloyd by Sicknes M^r Henry Coursey vpon vrgent occasions excused.

After some tyme came the Lower howse and p^rsented Richard Preston their Speaker and M^r William Bretton their Clarke

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Then was M^r John Gittings appoynted Clk for the Vpper howse of this Assembly

The howse adjourned till to morrowe
nine of the Clock in the
Morning

Wednesday the 2^d of Aprill

p. 120

Present The Leiutenn^t Generall: Philip Calvert Esq^r Deputy
Leiutenn^t Henry Sewall Esq^r Secr. Robert Clarke Baker Brooke
James Neale and John Bateman Esq^r Councillors

Ordered that this following oathe be taken by all Clarks and
Doore Keepers and all other Officers whatsoever attending
the Vpper howse of the Assembly

J. A. B. doe sweare that I will keepe secrett all things that I
shall heare debated in Councell or in the Assembly, and that I
will never disclose the same without leaue of his Lo^p or his
heires or his or their Leivetenn^t for the tyme being. Soe helpe
me God &c.

Then were sworne John Gittings Daniell Jenifer and Martyn
Casey:

Then was swore Marmaduke Simme Doore Keeper to the
Vpper howse.

The howse is adjourned for
an houre

The howse mett againe

Then was taken into Consideracō a Certaine paper Endorsed:
To the Wo^pfull the Burgesses for this p^rsent Assembly houlden
for Maryland. The Declaracō of severall of the Inhabitants
of Anne Arrundell County which as beareing noe datē nor
being subscribed by any pson whatsoever, Was putt to the
Vote whether it were a libell yea, or noe

Voted by the howse that it is a Libell Conteyning Scandalous
and seditious exp^ressions tending to the Vtter Subversion and
overthrowe of the legislatiue power of this Province resideing
in the Lord Prop^{ry} and both howses of Assembly, and that it be
sent to the lower howse whoe are desired to Joyne with this
howse in the searching out and Censuring of the Author

Ordered that the next thing which is to be taken into con-
sideracōn be the Acts of the last Assembly

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Vpon readeing the Acte impowring the Governo^r and Councell to rayse forces and mayntayne a warre without the Province and to ayde the Sasquehannough Indians made the last Assembly and now expired It was putt to the Question whether it were fitt to move the lower howse to consent to an Acte impowring the Governor and Councell to rayse forces and mayntayne a warre without the Province for some determinate tyme by both howes to be agreed vpon

Voted unanimously that the lower howse be moved to joyne with the upper howse in makeing such an acte

Upon Readeing the Acte for Encouragem^t of such souldiers as shall adventure in the defence of the Country

Voted that the Leiveten^t Generall be desired to confirme that Acte in his Lop^s name

Then was read the Acte for reviving certaine lawes within this Province and in that was read the Acte therein Conteyned Entituled an Acte for the Gage of Tobacco hhds

Voted that that Acte concerning the Gage of tobacco hhds be revived, as alsoe the Acte concerning the Killing of Wolfes

An Acte prohibiting Ground Leaues and seconds, revived

An Acte concerning Register of Births marryages and Burialls Revived.

Then was read an Acte concerning Servants that haue Bastards

Ordered that there be a new Acte made concerning Servants that haue Bastards the old one being insufficient it not punishing both parties

An Acte for the Publicacōn of Marryages: Voted That a new one be made the former being shorte of the end aymed att, The Acte being intended ag^t Clandestine Marryages

Then was read an Acte for the advancem^t of childrens Estates.

Voted that this Acte be revived

Then was read the Acte concerning Lymiting Servants tymes

Voted that into this Acte be incerted these words Excepting such Servants which by this lawe are to serue only foure yeares, and that they be added next after theis words in the said Acte to witt shall lapse one yeares tyme of service of the direccōns aforesaid & that the Acte for the rest pass as it lyeth

p. 122 Then was read an Acte for the appoyntment of certaine officers

Voted that the Lower howse be consulted with how the Lord Proprietary as well as the people of this Province shall be

secured of their dues from every Sherriff by such Sherriff as shall be by them p^rsented according to this Acte

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An Acte for millitary discipline
Voted that it be renewed

An Acte concerning the height of Fences
Voted that it be renewed

An Acte concerning the Setting vp of a Mint
Voted That the Leiuetenn^t Generall be desired to confirme that Acte in the Lord Proprietarys name and that the Lower howse be desired to joyne with this howse in an acte for the effectuall importacōn of money and Bullione into this Province.

An Acte concerning the transportacōn of publike letters
Voted that the Lower howse be moved to some more effectuall waye for the transportacōn of publike letters and in that of Ferrys

An Acte for Porte Dutyes and M^{rs} of ships
Voted that the Leiuetenn^t Generall be desired to confirme itt in his Lop^s name

An Acte concerning the Killing of wilde Cattle
Voted that the lower howse be consulted with for a more effectuall waye for the destroying of the wilde Cattle

Ordered that M^r Daniell Jenifer Messenger be sent from this howse to the lower howse to p^rsent that seditious paper publisht att Anne Arrundell with the Vote of this howse for their Concurrence.

Then came a Member of the Lower howse and p^rsented this following paper.

Whereas at the last Grand Assembly held for this Province the Burgesses then assembled did humbly desire that an Acte mought then pass both howses to this effect. That the Members or Burgesses of this Assembly and all other Assemblies ever hereafter haue free liberty of speech in deliuering their opinion and Censures without p^rjudice either of themselues their persons or Estates to any bill or order propounded or what shall be propounded by them for the Good and liberty of the Inhabitants here

p. 123

And all the Answere they then had to this their request was that they had and should Enioye liberty of speeche as being free borne children of England according to Magna charta:

Now their humble request is that if it shall soe happen that any Member transgress in this kind and abuseing this liberty such Members shall be only punishable in

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the howses of Assembly where such offence is committed
and not constrained to answer for such offence att any
Court whatsoever

By order of the howse

William Bretton Clk

All which was granted by the Vpper howse

The howse is adjourned till nine
of the Clock in the morning

Thursday the 3^d Aprill

Present All as before

Then the Lower howse returned the Seditious pamphlett sent
by the Vpper howse to them together with the Vote of this
howse Endorsed on the back side

Assented by the lower howse

William Bretton Clk

And further informed this howse that a member of that howse
by name Robert Burle did acknowledge that that paper would
reflect vpon him and that therefore the Lower howse did desire
that that member might be suspended from voting as a Mem-
ber till he had purged himselfe

Vnaminously voted by the Vpper howse that that pson
vizt Robert Burle should be suspended from sitting till
he had purged himselfe and that this Vote be sent to
the said Burle.

Then came two Members of the lower howse and sayd that
the lower howse desired that Robert Burle might be forthwith
tryed

Ordered that a Conference be desired imediately with the
Lower howse

p. 124 At a Conference the Vpper howse did satisfye the lower
that Robert Burle is not to be tryed by an Assembly, but at a
Provinciall Court regularly

The howse adjourned till nine
of the Clock in the morning

Fryday the 4th Aprill

Present all as before with M^r Lloyd

Then came Robert Burle and p^rferred the following peticoⁿ
and acknowledged his hearty sorrow for his faults concerning

the mutinous and seditious expressions in the libell conteyned
which he penned and was publisht att Anne Arrundell

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To the Right hono^{ble} the Leiuettent^t
Generall and to the hono^{ble}
Philip Calvert Esq^r Chancell^r
and to the honored Councill

The humble peticōn of Robert Burle

Sheweth

That whereas yo^r pet^r is adjudged by yo^r honors and by the
Burgesses to haue cōmitted a greate Transgression, and that
of a high nature which he hath cōmitted inconsiderately through
infirmity and weakenes for which he declareth himselfe to be
heartily sorry and humbly prayeth yo^r honors to pardon and
passe by his greate offence and conceiueing himselfe to be the
first Offendor since his Lop^s Arrivall humbly prayeth for for-
giueness which may be for the Honor of his Lop. and shall
engage yo^r pet^r to better fidellity Loyallty and faythfull obe-
dience and shall euer engage the petitioner to pray for yo^r
honors prosperity.

Ordered that the said Burle doe forthwith goe to the
lower howse and aske pardon for his faulte and that the
Clk of the lower howse be desired to see his Submission
recorded in their Journall

Then came Papimmun Pacckadehunt and Antvick and saye p. 125
they have a desire and hope to live at Choptico

Whereupon the Leiuettent^t Generall ordered that this should
be askt them (vizt) why they feared they should be putt off

Answered That Doctor Barber and the Sonnes of M^r Thomas
Hatton would haue itt It was then asked the Indians whether
they were willing to lett them haue itt or noe

To which Papimmun answered itt was his desire but the
rest of the Indians would not consent to itt

Paccadehunt desired that they might liue there they haueing
noe other place to goe to.

Ordered that the Indians doe deliuer all wrytings Betweene
them and the Sonnes of Thomas Hatton back againe, and that
they be permitted to liue att Choptico without disturbance they
fencing in their grounds from Cattle and horses, and that all
papers and Contracts concerning this land be voyd.

The Lower howse sent to desire to knowe whether Robert
Burle might not be admitted to sitt with them againe

The Leivtenn^t Generall left itt to their discrecōns

The Vpper howse adjourned till
nine of the Clock in the morn:

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Saturday 5th Aprill

Present all as before

The howse sent M^r Lloyd to the lower howse to know whether they had any busines p^rpared for this howse, Answere being returnd that they haue not drawne vp any Acte as yett they haueing some other busines to consider on

Ordered

That the howse be adjourned till Monday
nine of the Clock in the
Morning

p. 126

Munday 7th Aprill
1662

Present The Leiuetenn^t Generall
Philip Calvert Esq^r Deputy Leiuetenn^t & Chancello^r
Henry Sewall Esq^r Secretary Robert Clarke
Baker Brooke Edward Lloyd and Cap^t James
Neale Esq^{rs} Councillors.

Then was p^rsented the peticōn of Hannah Lee Widd.

Memorandum this peticōn was answered by an
Act made for Execucōn

Then was p^rsented the peticōn of Cuthbert Fenwicke
William Mill and John Bogue Overseers of
Robert and Richard Fenwick
(Vizt)

To the Right hono^{ble} the Vpper and
Lower howse of this present
Generall Assembly

The humble peticōn of Cuthbert Fenwick &c.

Humbly sheweth

That whereas at a Provinciaall Co^{rt} held at S^t Leonards the 5th October 1658 M^r William Eltonhead Esq^{rs} nuncupative will was proved by one Wittnes M^r John Anderton wherein it soe was proved that he left all his lands &c to his wifes disposing for the good of her and her children, and desiring her to allowe vnto Robert Fenwick and Richard Fenwick some parte of the land according to her discrecōn &c. and whereas at the said Co^{rt} it was declared all the heires att Lawe of the said William Eltonheads are for ever barred all Clayme of land as heire to the said William. Y^e petitioner humbly craues to assigne theis

following Errors in the said order humbly referring themselves to this Assembly to determine finally thereof.

1 Yo^r petitioners humbly conceive the Lawe to be that land cannot be aliened but vnder hand and Seale.

2^{ly} That if a Souldier make a nuncupitive will yo^r pet^{rs} humbly conceives the Lawe to be. he can only soe dispose of his personall estate, and cannot disinheritt and heire at lawe by such will especially being Lamely proved by one Wittnes.

3^{ly} Yo^r petitioners humbly conceive the Lawe to be that the words of some parte of the will being of force those that Concerne yo^r pet^{rs} cannot be idle and of none effect but to be stronglyest taken ag^t the Testator. All which yo^r petitioners craue yo^r Honors to take into serious consideracōns humbly submitting themselves to yo^r hono^{rs} determinacōns hereof And they as in duty bound shall pray &c. p. 127

Vpon the aforesaid peticōn It is Ordered that Thomas Taylor be summoned to appeare at this Assembly to make answere to the said peticōn. And that Warr^t issue to the Sherriffe of Calvert County to Su^mon him.

Then came from the Lower howse An Acte Entituled an Acte concerning those Serv^{ts} that haue Bastards.

An Acte for the Publicacōn of marryages and another called an Interpretacōn or Explanacōn of the Acte lymiting Servants tymes made the last Assembly 1661 And another Acte entituled an Acte concerning proceedings att Lawe which being read over and amended in this howse The lower howse was sent for to a Conference touching the Amendm^{ts} who accordingly came.

At which Conference was read first the Acte concerning Servants that haue Bastards with Amendm^{ts} with which the Lower howse rested satisfyed. After that was read the Acte for Publicacōn of marryages which the lower howse desired to haue written fayre with the Amendm^{ts} of the Vpper howse and then to be sent to them, After that the Explanacōn of the Acte for Servants tymes which they likewise desired to haue fayre written and sent to them againe

The Acte concerning the proceedings att Lawe after long debate was remitted whilst Wednesday morning to a further debate.

Then was brought an Acte for appoynting of Sherriffes which was referred till to morrow morning

The howse is adjourned till
nine of the Clocke to morrow
morning

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Tewsday the 8th Aprill

Present as before with M^r Bateman
Then was read the Acte concerning those Servants th^t haue Bastards with Amendm^{ts}

To which the Vpper howse Assented and ordered it to be sent to the Lower howse.

p. 128 Then was read an Acte for the publicacōn of Marryages
To which all Assent but M^r Bateman and order that it be sent to the Lower howse

Then was read an Acte for lymiting Servants tymes To which the Vpper howse assented and ordered that it be sent to the lower howse

Then was read an Interpretacōn or Explanacōn of th^t Acte lymiting servants tymes made the last Assembly Anno 1661

To which the howse Assented and ordered that it be sent to the lower howse

Then was Read an Acte for Improvem^t of Trade

The Lower howse are desired to signifye their opinion in this howse at their next Conference

Voted that the foure Acts last read and past this howse, be sent the lower howse

Then came from the lower howse this following paper

It is voted in this howse necessary that some howse be built or purchased to keepe Courts in, or Assemblies for the benefitt of the Country

Which this howse p^rsents to the Vpper howse requesting them to joyne with this howse in Considering of the place where, and the manner how such howse shall be built or purchased

William Bretton Clk

Whereupon the Vpper howse tooke into Consideracōn the place for the Seateing of the State howse

M^r Neale Vpon my Lords Manno^r Provided there be a howse for the Governo^r and Councill otherwise at S^t Marys

M^r Clarke for S^t Marys

M^r Bateman: At S^t Marys vnles they build a howse for the Governor to dwell in as well as a State howse

M^r Lloyd At Patuxent some where aboute Poynte Patience

M^r Brooke Some where over ag^t Poynte Patience on this side of the Riuer

Secretary At St Marys

Deputy Governo^r At St Marys unles they build a howse for
the Governo^r to dwell in as well as a State
howse

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Leivtenn^t Generall At St Mary vnless that they will build a
howse vpon his Lop^s Manno^r at Patux-
ent for the Entertayning of the Coun-
cell that they may be private in.

This to the place where is the Sence of the Vpper howse p. 129
As to the Mannor how? they propound the paper herevnto
annexed, (viz^t) a Custome vpon tobacco and Strong Liquors.

The peticōn of John Halfehead touching Hogs stealeing and
the peticōn of Hannah Lee touching her debts

Ordered that they be sent to the Lower howse for their
Consideracōn

The howse is adjourned till nine
of the Clock in the morn:

Wednesday the 9th
Aprill 1662

Present All as before

Ordered that the Acte for proceedings at Lawe bē sent
againē to the Lower howse

An Act concerning proceedings
att Lawe

Whereas severall differences doe arise within this Province
wherein there is noe rule or lawe pvided in the Province
whereby to determine such differences and to leave too much
to discrecōn is to open a Gapp to Corruptcōn for the avoyding
such Inconveniencyes Be it Enacted by the Lord Proprietary
by and with the Consent of the Vpper and Lower howse of
this p^rsent Generall Assembly that in all cases where the Lawe
of this Province is silent Justice shall be administred according
to the Lawes and Statutes of England if pleaded and produced
This Acte to endure for three yeares or to the End of the next
Generall Assembly

The Lower howse haue assented

William Bretton Clk

The Vpper howse desires to be satisfiēd how the County
Courts shall be satisfiēd when the Lawe of England is rightly
pleaded and whether all Lawes of England how inconsistent
soeuer with a plantacōn shall be admitted here

John Gittings Clre.

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The Courts to judge of the right pleadeing and inconsistancy according to the best of their Judgem^t skill and Cunning And the Lower howse humbly desires that this Acte be assented vnto

William Bretton Clk

p. 130 The Sence of the Vpper howse is that by this meanes of leaueing all to the Breast of the Courts, all is againe Left to discrecō and soe the Acte unnecessary as it lyes

Voted that it pass

John Gittings Clre:

Then came from the Lower howse this following paper

Whereas the place can not be readily agreed vpon nor the Manno^r how a State howse may for the p^rsent be built, and the Widd Lee proposeing to this howse, to sett that howse she now liues in to Sayle It is thought most convenient that the said howse be bought for the p^rsent vse of the Country till a better and more convenient may be found out and that this be proposed to the Vpper howse for their approbacō.

William Bretton Clk:

It is ordered by the Vpper howse that the next Sattirday be the day of Sessions.

John Gittings Clre.

Vpon readeing an Acte Entituled an Acte for p^rscribing how to give Evidence to those of tender conscience Whereupon it was putt to the vote of the howse whether the forme of takeing an oathe should be altred yea or not

Vnanimously Voted Not

And that the reasons be drawne vp and given them in wryting

The howse is adjourned till nine of
the Clock to morrow morn:

Thursday the 10th Aprill

Present as Before

p. 131 Then was read the Acte made the last Assembly Entituled an Acte for encouragem^t of such Souldiers as shall adventure in the defence of the Country which being read the Leivtenn^t Generall according to the vote of this howse passed the 2^d day of Aprill and the desire therein Conteyned to Confirme this Acte in his Lo^{ps} name, Did in his Lo^{ps} name declare his Lordships Assent to the said Acte.

Ordered that Daniell Jenifer Messenger carry the acte entituled an Acte for p^rscribeing how to give Evidence to those of tender conscience with the reasons vnder written why it cannot pass, to the Lower howse

Reasons why the Acte p^rscribing how to give
Evidence to those of tender Consciences cannot
pass.

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1 The Assembly hath admitted and obliged the Judges to
proceed according to the Lawe of England and in that Lawe
wee can take noe mans life nor dispose of any mans Estate
but by the oathe of lawfull wittnesses

2 Many Lawes of this Province not to be repealed directly
in words p^rscribe an oathe vpon the holy Evangelists

3 Persons though not of tender consciences if they have a
mind to pleasure a freind knoweing such a Declaracōn not to
binde soe severely in conscience as an oathe, will be apt to
p^rtend tendernes of conscience, Soe to waue a perjury before
God.

4 It will render all Testimonyes taken in this Province in-
valid in any Co^rt either in England or other plantacōns:

5 Vpon the like Acte tendered the last Assembly noe per-
son would engage or promise that all persons p^rtending a
tendernes of Conscience would soe give Evidence if settled by
a Lawe

John Gittings Clre:

Then was read the Acte appoynting Sherriffs
Voted that it pass

Ordered that the Acte touching Runawayes and the Acte
concerning Indians be sent to the Lower howse with the
Amendm^{ts}.

The howse adjourned till nine
of the Clock to morrow morn:

Fryday the 11th of Aprill

Present as Before

Then was p^rsented this following peticōn

To the Right hono^{ble} the Leiutent: Generall
with the rest of the wo^rfull the
members of the Vpper and
Lower howse

The humble peticōn of the Inhabitants of
St. Mary's County by way of aggrevance
by their Burgesses &c.

Humbly sheweth

That whereas the Generall Burden and charge of Grand
juries in Refference to Provinciaall Co^{ts} doth lye vpon the per-

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Journal charge be made Generall for the future
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And yo^r pet^{rs} shall pray &c.

To which peti^cōn this answere vnderwritten was sent to the Lower howse (vizt)

Every County in the Province by the lawe of England now admitted ought and must Impannell a Grand Jury Quarterly to enquire soe that the charge is equall in all Countyes which this howse conceives an answere to this peti^cōn and order this to be sent to the Burgesses to be communicated to the Speaker

John Gittings Clre:

Then was read an Acte of Gratitude for the Leivetenn^t Generall Voted that it be fayre written and assented vnto by this howse, and that it be carryed to the Clk of the Lower howse for his hand thereto.

Then was read an Acte for the purchasing of a State howse and Prison

Voted that it pass

Then was read the Acte imposeing a fee on them who shall be marryed Voted that it pass

Then was read an Acte concerning Payment of debts due by bill. Voted that it pass: as alsoe an Acte concerning Taxable persons

Then was read an Acte declareing what shall be done by the Sherriff ex officio: As alsoe an Acte for Encouragem^t of ordinary Keepers. Voted that they be fayre written; and pass

Then was read an Acte Concerning the Secretary and addi^cōn to his fees. Voted that it be fayre written and pass.

The howse adjourned till
nine of the Clock in the
morning

Sattirday 12th April

Present as Before

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Then was read an Act reviving certain Laws within this Province

Voted that it be fair written & assented unto

Then was read an Act Concerning Fees due from Criminal persons, To which the house Assented & ordered it to be fair written & sent to the Lower House

Then was read an Act concerning payment of Mony & Bullion brought into this Province. To which the house Assented & ordered it to be fair written & sent to the Lower House.

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Then was read an Act for Encouragement of sowing English Grain. to which the House Assented & ordered it to be fair written & sent to the Lower house

Then was read an Explanation of that Clause in an Act made by Cap^t Will^m Stone the 21st April 1649 touching Hogs & marking of Cattle As also an Additional Act touching Hog Stealers &c Both which the House Assented unto & ordered them to be fair Written & sent to the Lower House

Upon reading the Act concerning Burgesses' time & Charge Voted that the Lower House be desired to Come to this House to a Conference before they proceed to Sessions

Upon the Return of the Act from the Lower House concerning the Burgesses time & Charge & of that other Act propounded for the Councillours Charge in the Upper House

The Sense of the Upper House is that if both Houses think it unfit (& doubtless It is that any Person should serve the publick Gratis, that we do both join in making an Act providing for the Burgesse's fee or Sallary for the future as also for the Councillours & Commissioners' Allowance or Sallary and that for the present Charge of the Burgesses in this Assembly that the Ordinary Keepers' Charge & no more be allowed them & that the Clerk Messenger & Door Keepers of both Houses be paid by the publick Levy and that this be sent to the Lower House as an Answer to that Act.

The Lower House are desired in drawing up the Act to give the same Fee to the Clerk of the Upper House & door Keeper as they give their own

John Gittings Clk

Then Came the Lower House & returned the aff^d Paper Endorsed Viz. As to this Paper the Vote of this whole House Nemine Contradicente that they cannot assent thereto.

W^m Bretton Clk.

Whereas this day was appointed the day of Sessions, the day drawing now to an End, It is ordered that the Lower House be sent to know whither they have yet any thing of Moment to offer to this House that We may either prorogue the day of Sessions or proceed immediately to Conclude the Sessions

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John Gittings Clk

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Then came from the Lower House the following Act

An Act for the Burgesses Attendance and Charge

Be it Enacted by the Lord Proprietary with the Consent of this present Generall Assembly that each respective County shall this next Ensuing Crop satisfy their respective Burgesses Charges & Attendance for this Assembly, & that M^{rs} Hannah Lee be paid out of the publick Levy one thousand pounds of Tob^o and John Shanks be paid likewise out of the publick Levy 300 pounds of Tobacco & also to proceed immediately to Conclude the Sessions

W^m Bretton Clk.

The Sense of the House is they cannot Conceive of any other Way whereby they may be satisfied

W^m Bretton Clk.

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And in this, This howse thought not fitt to Complye with them
John Gittings Clre:

Voted that the Speaker be sent too to conclude the Sessions

An Acte for the Burgesses
Expences

Be it Enacted by the Lord Proprietary by and with the Consent of this p^rsent Generall Assembly that every County shall satisfye vnto their respective Burgesses all their necessary Expence this Assembly for meate drinke and Lodgeing for themselves and all charges of boate and hands att this next ensueing Crop as also one thousand pounds of tobacco to Hannah Lee Widd. for howse roome. And that John Shancks be payd three hundred pounds of tobacco And that M^r William Bretton have two thousand pounds of tobacco and M^r John Gittings one thousand pounds of tobacco and five hundred pounds of tobacco to John Metcalfe Doore Keeper

Ordered that this paper be sent to the Lower howse for their Concurrence in itt And that M^r Lloyd who carrys itt desire them to Conferr this with their owne paper, and see whether their request be not answered in Terminis and that they Signifye their Assent or disassent with speed that the Sun may not sett before wee conclude the Sessions

Then came the Speaker and Members of the Lower howse to giue their Assent to the said Acte and to Conclude the Sessions

The two howses after the readeing of the Lawes joyned in this Declaracōn (that all publike money by theis Acts to be leauyed shall be assessed by the Governor and Councell, as also the publike charge of three thousand pounds of tobacco brought into the lower howse this day for publike Expençe which being ended The Chancellor by order from the Leiuetenn^t Generall Declared that the howse was Dissolved:

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Acts made at a Sessions
of Generall Assembly
begun and held at S^t Marys
the first of Aprill 1662
by the hono^{ble} Charles Calvert
Esq^r Gouvernor of the Province
of Maryland

Whereat were p^rsent Charles Caluert Esq^r Leiuten^t Generall
Philip Calvert Esq^r Deputy Leiuet^t and Chancellor Henry
Sewall Esq^r Secretary Robert Clarke Baker Brooke Edward
Lloyd Cap^t James Neale and M^r John Bateman Esq^{rs} Councell^{rs}

As alsoe the Burgesses of each respective county (viz^t)

S^t Marys County Coll. William Euans Luke Gardner Thomas
Turner and Richard Willan Gent:

Kent County Cap^t Robert Vaughan and Richard Blunt Gent:

Calvert County Richard Preston Cap^t Thomas Manning
Leivtenn^t Thomas Trueman and Richard
Smith Gent:

Anne Arrundell County Rob^t Burle Richard Beard and Ralph
Hawkins Gent:

Charles County Zachary Wade Gent:

Baltemore County Coll Nathaniell Vtye and Cap^t Thomas
Stockett Gent:

Talbott County Leivetenn^t Richard Woollman Gent:

An Acte Concerning those Serv^{ts}
that haue Bastards

p. 137

Whereas Divers weomen Servants within this Province not
haveing husbands liveing with them, have been gotten with
Child in the time of their Servitude to the greate dishonor of
God and apparent damage to the M^{rs} or Owne^{rs} of such Servants
and noe Lawe yett provideing where the Damage shall bee
Recoverable for Remedy whereof Be it enacted by the Lord
Proprietary by and with the Consent of the Vpper and Lower

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howse of this p^rsent Generall Assembly That every such Mother of a Bastard Child not able sufficiently to prove the party charged to be the Begetter of such Child In every such case the mother of such Child shall only be lyable to satisfye the Damage soe Susteyned by Servitude or otherwise as the Court before whome such matter is brought shall see Convenient.

Provided That where the mother of any such Child as aforesaid shall be able to proue her charge either by sufficient Testimony of Wittnesses Confession or pregnant Circumstance agreeing with her Declaracōn in the Extremitie of her paynes and Throwes of Travaile, or her oathe taken by some Magistrate, then the party charged if a Servant to satisfye halfe the said Damage, if a Freeman then the whole damage by Servitude or otherwise as the Court before whome such matter is brought as aforesaid shall thinke fitt

And if any such mother as aforesaid be able to prove by such Testimony or Confession that the party charged being a Single person and a Freeman did before the begetting of such Child promise her Marryage that then he shall performe his promise to her or Recompence the Abuse as the Co^rt before whome such matter is brought shall see convenient the Quallity and Condi^cōn of the persons Considered. This Acte to endure for three yeares or to the End of the next Generall Assembly

The lower howse haue

Assented

W^m Bretton Clk.

The vpper howse haue

Assented

John Gittings Clre.

p. 138

An Acte for the Publicacōn of Marryages.

Be it Enacted by the Lord Proprietary by and with the Consent of the Vpper and Lower howse of this Generall Assembly That all persons who shall desire marryage haue liberty to applye themselues either to a Minister or Pastor or Magistrate for the Contracting thereof And be it further Enacted by the authority aforesaid that all persons within this Province intending marryage shall make Publicacōn thereof either at the Church or Chappell next where they dwell County Court or Meeting howse And that at such tymes as such Church Chappell Co^rt or Meeting howse be full and thereby capable to take Cognizance thereof And that it shall and may be Lawfull vpon Certificatt had from the Minister Pastor or County Court where such Publicacōn shall haue been made (three weekes after the said Publicacōn) for either Minister Pastor or Magistrate to joyne in marryage such persons as aforesaid.

And if any person shall p^rsume to Contract Marriage without such Publicacōn be made and Certifficatt had as aforesaid or without particular lycence from the Leiuetenn^t Generall or cheife Governor of this Province doe priuately within the lymitts of this Province Contract marriage Every person soe contracted or marryed shall be lyable to a fine of one thousand pounds of tobacco And every such Pastor Magistrate or Minister joyning in marriage any persons without such publicacōn or any wayes infringing this Acte shall be lyable to a fine of five thousand pounds of tobacco the one halfe of the fine to the Lord Proprietary the other halfe to the Informer to be recovered by accōn of debt or Informacōn wherein noe wages of lawe Essoyne or protection to be allowed or Admitted. And be it further Enacted that all Contracts or promises of marriage not made before some Minister Pastor or Magistrate with two sufficient wittnesses shall be and are hereby declared Null and voyd This Act to Endure for three yeares or to the end of the next Generall Assembly

The Lower howse haue	The Vpper howse haue
Assented W ^m Bretton Clk.	Assented John Gittings Clre.

An Interpretacōn or Explanacōn of
that Acte lymiting Servants tymes
made the last Assembly Anno

p. 139

1661

Whereas at an Assembly held at Saint Marys the 17th of Aprill 1661 There is a Clavse in the Acte lymiting Servants tymes (viz^t) That every Master M^{rs} or Dame Assigne or Trustee of what kind soeuer owneing or keepeing any such Servant as aforesaid whether by vertue of transportacōn Purchase or otherwise shall within three moneths next after the receiveing such Servant into their Custody within this Province bring the said Servant into their respectiue County Court where they doe inhabite And every of the said Courts are hereby authorized to Judge & determine the age of such Servants soe brought and cause the same to be entred vpon Record. And every one as aforesaid neglecting or refuseing to bring such Servant or Servants before the Court as aforesaid shall loose one whole yeares tyme of service of the direccōns aforesaid which said Clause was not intended to the benefitt of such Servants as were twenty two yeares ould or vpwards and brought into this Province. Be it therefore enacted by the Lord Proprietary with the advice and Consent of the Vpper and Lower howse of this p^rsent Generall Assembly that noe Master Mistres Dame Assigne or Trustee whatsoever shall suffer any damage for not

U. H. bringing any Serv^t of the age of twenty two yeares or vpwards
 Journal to the County Courts, anything in that Acte to the Contrary
 1659-69 hereof notwithstanding

The Lower howse haue
 Assented
 W^m Bretton Clk.

The Vpper howse haue
 Assented
 John Gittings Clre.

An Explanacōn of that Clause in
 an act made by Cap^t William
 Stone the 21st day of Aprill
 1649 touching hoggs and
 marking of Cattle.

Whereas some disputes have been rayseed in County Courts
 concerning the killing vnmarked Swyne vpon ones owne land
 as is signified by a Parenthesis in that Acte. Both howses doe
 make this Interpretacōn that ones owne land shall be Construed
 p. 140 and Interpreted that land which is Pattented and for which he
 payes yearely Rent to the Lord Propriet^r

The lower howse haue
 Assented
 W^m Bretton Clk

The Vpper howse haue
 Assented
 John Gittings Clre.

An Acte Concerning paym^t
 for money and Bullione
 brought into this Province

Whereas it appeares that the Importacōn of money and
 Bullione into this Province is of greate Concernm^t for the Good
 of the Inhabitants here in severall respects for the better Effect-
 ing and procuracōn thereof Be it Enacted by the Lord Pro-
 prietary by and with the Assent and approbacōn of the Vpper
 and Lower howse of this p^rsent Generall Assembly that after
 provision made for the same in this Province every House-
 houlder and Freeman in the Province shall take vp tenn shillings
 p pole of money Currant in this Provincé according to the
 Acte for the Mint for every Taxable p^rson vnder his or their
 charge or custody to be payd for in good casked tobacco att
 2^d p^{lb}. And all householders and Freeman as aforesaid are
 hereby obliged and Engaged to pay the said tobacco vpon
 tender of the said Sumes of money proporconably for every
 such p^rsons respectiue family This Acte to endure for three
 yeares or to the End of the next Generall Assembly.

The Lower howse haue
 Assented
 W^m Bretton Clrk

The Vpper howse haue
 Assented
 John Gittings Clre.

An Acte for Encouragem^t of
soweing English Grayne

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Whereas it appeares that the soweing of English Grayne will conduce much to the publike good of the Inhabitants of this Province and for the better encouragem^t herein Be it Enacted by the Lord Proprietary with the Assent of this p^rsent Generall Assembly that wheate here groweing shall pass and be taken at fiue shillings the Bushell; Barley and English pease att three shillings the Bushell, Rye at foure shillings the bushell and oates att two shillings six pence the Bushell And be it further Enacted that all persons that shall tender paym^t in such Graynes either upon Publike paym^t of rents leaues or money debts shall be allowed for the same as aforesaid which money shall pass in discount of tobacco debts at 2^d p^r lb^r. This Acte to Endure for three yeares or to the end of the next Generall Assembly

The Lower howse haue
assented

William Bretton Clk:

The Vpper howse haue
assented

John Gittings Clre.

An Acte Concerning the
paym^t of fees due from
criminall persons

Whereas divers Complaynts haue been made by severall Countyes of this Province occasioned for that they haue been forced to pay the fees of imprisoned Criminalls, The persons by whome such fees ought to be payd being released and goeing free to the greate Encouragem^t of offenders for the p^rvincōn of which for the future Be it Enacted by the Lord Proprietary with the consent and approbacōn of the Vpper and Lower howse of this p^rsent Generall Assembly that from henceforward noe person either Sherriffe or Goaler shall charge either their owne County to which they belong or the publike with any fee for any Criminall whatsoever comitted to his charge And be it further Enacted th^t when such Criminall is discharged according to order & Course of lawe Then such Criminall shall pay his owne fee due to such Sherriffe or Goaler as are due by Acte of Assembly either by servitude or otherwise. Provided that when such Criminall is discharged by order as aforesaid such Sherriffe or Goaler shall not demand fee from and after the tyme when such order given vnles the p^rson soe freed as aforesaid shall delay paym^t of such fees by Servitude or otherwise Prouided alsoe that this Acte shall not intend to Malefactors whoe are Executed or to such other p^rsons who shall be banished haueing noe Estate in the Province In all w^{ch} Cases the

U. H. Sherriff or Goaler shall recouer his fee either upon the County
 Journal where such Criminalls were dwelling or Resideing or vpon the
 1659-69 whole Country as the Provinciaall Court shall adjudge in such
 p. 142 cases. This Acte to endure for three yeares or to the End of
 the next Generall Assembly

The Lower howse haue The vpper howse haue assented
 Assented

W^m Bretton Clk.

John Gittings Clre.

An Acte for the Reuiuing
 Certaine Lawes within this
 Province

For as much as certaine Temporary Lawes made and En-
 acted att a Generall Sessions of Assembly held att S^t Leonards
 in Calvert County Anno 1658 being found very Convenient
 and necessary much Conducing to the Publike good of this
 Province which said Acts many of them were renued the last
 yeare att a Sessions of Generall Assembly held at S^t Johns in
 the County of S^t Marys 2^o May 1661 and was againe Expired.
 It is therefore Enacted and be it Enacted by the Lord Pro-
 prietor with the Assent and approbacōn of this p^rsent Generall
 Assembly That the Acte entituled an acte concerning the Gage
 of tobacco hhd's And the Acte entituled an Acte for the Killing
 of wolfes and the Acte entituled an Acte prohibiting Ground
 Leaues and Seconds And the Act entituled an act Concern-
 ing a Register of births marryages & Buryalls And the Acte
 entituled an acte for the Advancem^t of Childrens Estates be
 all and every of them as they are here rehearsed and sett
 downe againe renewed and stand in force within this Province
 according to the lymitacōn expressed in the said severall Acts.
 And Forasmuch likewise as diuers Acts were Enacted att a
 Session of Generall Assembly att S^t Johns 2^d May 1661 by the
 Hono^{ble} Philip Calvert Esq^r his Lo^{ps} then Governor some of
 which Acts being Temporary are now in like manner accord-
 ing to the lymitacōn expired The which being found noe wayes
 p. 143 hurtfull either to the Inhabitants or Merch^{ts} Tradeing hither,
 but Contrarywise much Conducing to the Weale Publike of
 this Province as aforesaid It is Enacted and be it Enacted by
 the Lord Proprietary with the Consent and approbacōn of this
 Generall Assembly That the Acte Entituled an Acte for the
 Appoyntm^t of certaine officers saue only in the last Clause
 Touching Sherriffs a new Act being now agreed on and
 passed this Assembly concerning Sherriffs be renewed And the
 Acte Entituled an Acte for Millitary discipline, And the Acte
 Entituled an acte Concerning the Height of fences, And the

Acte entituled an Acte for Conveyance of all letters Concerning the State and Publike Affayres Be every of them as here rehearsed and Sett downe Renewed, and stand in force within this Province according to the lymitacōn expressed in the said Severall Acts This Acte to endure for three yeares or to the End of the next Generall Assembly.

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The Lower howse haue The Vpper howse haue assented assented

W^m Bretton Clk

John Gittings Clre.

An Act for the Encouragem^t of Ordinary Keepers

Whereas in all Countreyes itt is found that there is a necessity of alloweing and Keeping Victualling howses for the Entertaynm^t of all persons as well Strangers as others, and more especially in theis p^ts in respect of the distance of our habitacōns being many tymes Constrayned to appeare for the Administracōn of Justice for the houlding and attending Courts and vpon other occasions as absolute necessity requires And for want of such Victualling howses divers persons are either exposed to greate hazards of their healths or much burthensome to perticuler adjacent Neighbours where such Administracōn of Justice is usually to be had Therefore for the better Encouragem^t of all honest and well minded people whoe either now doe or which shall hereafter Keepe such Victualling howses. Be it Enacted by the Lord Proprietary by and with the Consent of this p^rsent Generall Assembly that all Ordinary Keepers debts either vpon bill or accompt how inconsiderable or of what vallue soeuer, and Vnder hand wryting and Wittnes shall be allowed due and paid by way of Execucōn after demand made and refusall of payment without further Suite or trouble att Lawe Provided that the Sherriff or other person appoynted by such Ordinary Keeper, to collect or gather vp such Ordinary debts after demand made and refusall of payment as aforesaid, and forced to leauy the same by way of Execucōn shall be authorized therevnto by the Leiuetenn^t Generall or other cheife Magistrate or Judge according to their Com^{ons} lymited in that kind Provided alsoe that a bill under handwryting and Wittnes due from such Ordinary Keeper without further Suite shall be allowed in discount to any bill vnder hand wryting and Wittness due to such Ordinary Keepers vpon Execucōn, (And all acc^{ts} vnder hand wryting without Wittnes shall be allowed in discount to any bill under hand wryting and Wittnes due to such Ordinary Keepers vpon Execucōn) And all Accompts under hand wryting without Wittness shall be allowed of in discount

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ag^t any such Ordinary Keepers accompt vnder hand wryting without Wittness This Acte to endure three yeares or to the End of the next Generall Assembly

The Lower howse haue
Assented
W^m Bretton Clk

The Vpper howse haue
Assented
John Gittings Clre.

An Acte concerning
Proceedings att Lawe

Whereas severall differences doe arise within this Province wherein there is noe Rule or Lawe provided in the Province whereby to determine such differences And to leaue to much to discrecōn is to open a Gapp to Corrupcōn for the avoyding such Inconveniencys Be it Enacted by the Lord Proprietary
p. 145 by and with the Consent of the Vpper and Lower howse of this p^rsent Generall Assembly That in all cases where the Lawe of this Province is silent, Justice shall be administred according to the lawes and Statutes of England, if pleaded and produced And all Courts to Judge of the Right pleadeing and inconsistency of the said Lawes with the good of this Province according to the best of their Judgem^{ts} Skill and Cunning This Acte to endure for three yeares or to the end of the next Generall Assembly

The Lower howse haue
Assented
W^m Bretton Clk.

The Vpper howse haue
assented
John Gittings Clre.

An Acte declareing what shall
be done by the Sherriff ex
Officio

Whereas certaine charge is lately arisen in the Province by the seuerall Sherriffs exacting Sallary for such matters as were formerly executed Ex officio without Sallary for remedy as more assertayning the Sherriff demands in like Cases Be it therefore Enacted that all the Sherriffs shall execute and pforme or cause to be executed and performed all writts warr^{ts} and Proclamacōns to them directed from the Governo^r or Secretary relateing to the publike only And returne the same if returnable ex officio without Sallary

The Lower howse haue
Assented
W^m Bretton Clk

The Vpper howse haue
Assented
John Gittings Clre.

An Acte Concerning paym^t
of debts due by bill

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Whereas many Inconveniencys haue happened in this province concerning Judgem^{ts} and bills brought in and pleaded, but most especially vpon dead mens Estates whereby itt may be Conjectured that such Judgem^{ts} or bills being of a long standing haue been formerly payd and defrayed for the p^rvention whereof for the future Be it Enacted by the Lord Proprietary by and with the Assent of this p^rsent Generall Assembly that noe Judgem^t bill Bond or other Instrum^t under handwryting shall be allowed or pleadeable in any Courts of this Province after three yeares after the date of such Judgem^t bill bond or Instrum^t as aforesaid excepting such Judgem^{ts} as are already had and bills bonds or Instrum^{ts} as are already made or taken before the End of this p^rsent Generall Assembly And be it further Enacted by the authority aforesaid that all such Judgem^{ts} bills Bonds or other Instrum^{ts} already taken shall not be allowed as aforesaid unles they be sued out or Renued within the p^rfixed tyme mencōned in this Acte Provided that if either Debtor or Creditor be att any tyme out of the Province the full tearme of three yeares either party may clayme the benefitt of this said Acte within the p^rfixed tyme after their Returne into the Province for the pleadeing or Renueing this Acte to endure for seaven yeares or to the End of the next Generall Assembly.

The Lower howse haue The Vpper howse haue assented
Assented

W^m Bretton Clk:

John Gittings Cle.

An Acte Concerning
Taxable persons

Whereas divers Seruants are brought into this Province and many disputes ariseing Concerning their ages when they may be accompted taxable Be it Enacted by the Lord Prop^r by and with the Consent of the Vpper and lower howse of this Assembly that all Male Children borne in this Province shall be take and accounted Taxable att the age of sixteene yeares and vpwards And all Male Servants imported into this Province att or before the age of tenn yeares shall be accounted Taxable and soe rated And all Slaues whatsoever whether Male or female imported or borne in the Province att or aboue the age of Tenn yeares shall be likewise Esteemed and accounted taxable & soe rated as aforesaid This Acte to endure for three yeares or to the End of the next Generall Assembly

The Lower howse haue
Assented

The Vpper howse haue
Assented

W^m Bretton Clk.

John Gittings Cle.

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An Acte imposeing a fee
on them who shall be marryed

Whereas by the Lawe of this Province all psons intending Marriage may applye themselves either to the Minister Pastor or Magistrate for the Contracting of the same And there being noe fee allowed or Sett to be payd either to the Minister Pastor or Magistrate from the partys contracting marryage as aforesaid Be it therefore Enacted by the authority of this p^rsent Generall Assembly that either Minister Pastor or Magistrate are hereby impowered by vertue of this Acte to demand Challenge and receive from the partys soe marryed or Contracted one hundred pounds of tobacco. This Acte to endure three yeares or to the end of the next Generall Assembly

The Lower howse haue The Vpper howse haue assented

W^m Bretton Clk

John Gittings Clre.

An Acte Concerning
Indians

p. 148 Where as Sundry Complaynts have been made by severall Inhabitants alleadgeing that the Indians vnder p^rtence of Killing wilde hoggs doe hunte and drive away their Tame hoggs and Cattle, And doe moreover sell and trade both with the Inhabitants of the Province and likewise with Forreignors or Strangers for Beeffe and Porke For p^rvincōn of which for the future Be it Enacted by the Lord Proprietary by and with the Assent of this Generall Assembly That all and every Inhabitant of this Province Stranger or Forreignor vpon what p^rtence soever tradeing or buying of any Indian or Indians more or less Quantity of dead Beeffe or Porke shall forfeite for every such Offence five thousand pounds of tobacco The one Moyety to the Lord Proprietary the other moyety to the Informer, to be recovered by accōn of debt or Informacōn wherein noe wager Essoyne or protection of Law to be allowed This Acte to endure for three yeares or to the End of the next Generall Assembly.

The Lower howse haue
Assented

W^m Bretton Clk

The Vpper howse haue
assented

John: Gittings Clre.

An Acte appoynting
Sherriffs

Be it Enacted by the Lord Proprietary by and with the Consent of the Vpper and lower howse of this p^rsent Generall

Assembly That the Com^{rs} in every County Court yearely some tyme in the moneth of March doe p^rsent to the Right Hon^{ble} the Lord Proprietary or his heires or his or their Leiut^t and cheife Governor of this Province three persons Inhabitants of that County not haueing been Sherriffe the yeare then ending out of which three his said Lo^p or his heires or his or their cheife Governo^r shall appoynte one to serue as Sherriffe And that such Sherriff soe p^rsented & appoynted as aforesaid shall serue as Sherriffe one yeare and noe longer

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And be it further Enacted by the authority afores^d that every such Sherriff shall give bond to the Com^{rs} of each respective County for the due performance of his office And that the respectiue Countyes shall be security to the Lord Proprietor or his Leiuetenn^t Generall or cheife Governor for the Sherriffe (by such respective Courts p^rsented) for the due p^rformance of his Office as aforesaid This Acte to endure for three yeares or to the end of the next Generall Assembly.

The Lower howse haue
Assented
W^m Bretton Clk.

The Vpper howse haue
Assented
John Gittings Clre.

An Acte touching Runawayes

Whereas severall Masters and Mistresses of servants have Susteyned greate p^rjudices Losses and Damages by reason of their Servants running Away or absenting themselues from their Masters Mistresses or Dames Service And that Lawe made and Enacted by Cap^t W^m Stone Anno 1650 doth not reach to the effectuall p^rvincōn of such Runawayes, and what was then intended by that Acte; Be it therefore Enacted by the Lord Proprietary by and with the Consent and approbacoⁿ of this p^rsent Generall Assembly that noe Servant shall Travayle aboue two Myles from his or her Masters M^{rs} Dames or Overseers howse without a pass Certificatt or wryting from vnder such their Master Mistresses Dames or Overseers hand. And any Inhabitant of this Province wittingly or willingly Entertayning such Runawayes Servant one night Contrary to the intent of this Acte shall be lyable to all damages such M^{rs} Mistresses Dames or Overseers shall susteyne by such Servants unlawfull departure without Certiff^t as aforesaid as the Co^{rt} before whome such case called shall adjudge the same And be it further Enacted th^t all Inhabitants whatsoever of this Province by vertue of this Acte (though not authorized thereto by Com^{on} are impowred to Examine all Strangers and other suspicious p^rsons either Servants or Freemen, that shall not

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shew sufficient Pass or Certificatt, or not knowne by Integrity or Comōn fame to carry such persons before the next Justice of the peace further to examine them, and dispose as according to Lawe he shall thinke fitt This Acte to endure for three yeares &c.

The Lower howse haue
assented
W^m Bretton Clk

The Vpper howse haue
Assented
John Gittings Clre.

An Acte of Gratitude
for the Leivtenn^t Generall

Whereas severall feares and Jealousies have been raysed in this Province by some either Jealous evill affected or discontented Spirritts concerning his Lo^{ps} Governm^t seekeing to alienate the minds and affeccōns of the Inhabitants from his Lo^p and his Governor and Governm^t without just Cause The Contrary whereof now evidently appeares to us Assembled in this Generall Assembly as may be Instanced by many perticulers as his frequent Declaracōn from s^d Lo^p But now more especially in his gracious Condiscending that his onely Sonne and vndoubted heire come and live amongst vs, not onely to Governe us in our due obedience but alsoe to releive our reall aggrevances (as by his free and Gracious declaracōn to us in the very beginning of this Assembly was proposed and delivered, And that wee can or may in noe waye doubt of his reall love and affeccōn towards us and the Welfayre of this Province, well knoweing that the benefitt of Governm^t must redownd to our owne Good. And that unless the Inhabitants of the Province doe cheerefully Contribute towards the mayntenance thereof they may in tyme to come want that w^{ch} now they peaceably Enjoye Therefore to express our hearty well wishes, and as farre as the Condicōn of the Province can now well beare Considering some Taxes which will fall vpon vs and must be provided for doe humbly pray that it may be Enacted And be it Enacted by and with the Consent of the Vpper and Lower howse of this p^{rsent} Generall Assembly that every taxable person within this Province shall pay twenty five pounds of tobacco to the now Leutenn^t Generall yearely for his owne proper use To be leauyed vpon all the Taxable persons abiding within this Province p^o pole This Acte to endure for three yeares or to the End of the next Generall Assembly

The Lower howse haue assented

W^m Bretton Clk.

The Vpper howse haue Assented

John Gittings Clre.

An Acte lymiting Servants
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Whereas certaine differences too frequently arise betweene Masters and Servants in this Province in and aboute the tyme of services and Customes often pleaded on both sides in this minority of seateing for p^rvencōn of the like it is Enacted And be it Enacted by the Lord Proprietary by and wth the Consent of the upper and lower howse of this p^rsent Generall Assembly that every Servant transported into this Province after the end of this Assembly being of the full age of twenty and two yeares or upwards not haueing Indenture or other sufficient Testimony for the tearme or tyme of his or her coming in such Servant shall serue him or her that transported and payd the Passage of the said Servant or their Assigns from and after their first Arrivall into this Province the full tyme of foure yeares if between the age of Eighteene and twenty two yeares such serv^t shall serue five yeares, if betwixt the age of fiteene and Eighteene such Servant shall serue six yeares And any Servant of what age soeuer vnder fiteene yeares and Comeing in as aforesaid shall serue till he or she arriue to the age of one and twenty yeares. And be it further Enacted p. 152 that every Master Mistres or Dame Assigne or Trustee of what kind soeuer owneing or keepeing any such Seru^t as aforesaid whether by vertue of transportacōn Purchase or otherwise shall within six moneths next after the receiving of such Servant into their Custody within this Province except he she or they clayme but foure yeares Service of such Serv^t bring the said Servant the said Servant into their respectiue County Co^t where they doe inhabit and every of the said Courts are hereby authorized to Judge of and determine the age of such Serv^{ts} soe brought, and cause the same to be Entred vpon record And every Ownor as aforesaid neglecting or refuseing to bring such Servant or Servants before the Courts as aforesaid shall not onely stand to the determinacōn of the Court, but alsoe suffer the penalty of one thousand pounds of tobacco for depriueing the Courts of such opportunity of view of the party And if any Master or serv^t aforesaid be aggriued with the determinacōn of the Co^t he shall within the tyme determined for their Service produce an Authentick Certificatt of such Servants age and shall have Remedy according to the ages afore mencōned And be it further Enacted by the authority aforesaid that noe Indenture made by any Serv^t during the tyme of service due by former Indenture or by determinacōn of the Co^t according to the tenor of this Acte shall anywise oblige any Seru^t for longer tyme then by his first Indenture or determinacōn of the Co^t shall be lymited and appoynted Prouided that this Acte nor any thing therein conteyned shall not give or be Construed to

U. H. give any benefitt to any Slaue whatsoever This Acte to en-
 Journal dure for three yeares or to the end of the next Generall
 1659-69 Assembly.

The Lower howse haue
 assented

W^m Bretton Clk:

The Vpper howse haue
 assented

John Gittings Clre.

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An Acte Concerning
 the Secretary and add
 -icōn to his Fees

Be it Enacted by the Lord Proprietary wth the Consent of
 this p^rsent Generall Assembly That the Secretary of this Pro-
 vince shall send to each respectiue County Court within this
 Province All the Lawes of the Province in force with the lesser
 Seale affixed to them for the which each Respectiue County
 shall pay to the said Secretary One thousand pounds of Casked
 tobacco. And to a further addicōn to the Secretarys fees of
 this Province till a further Settlem^t therein. Be it Enacted that
 the Secretary shall haue

For every Lycence for Marryages twenty { shillings Sterling or	lb tob. 1 20
For Merchants or Masters of shippes { Protests, and for recording them }	200
For takeing Bond of the M ^{rs} of shippes or { other lesser Vessells }	030
And Recording the said Bond	030
For Certificatt of M ^{rs} of shippes or other { lesser Vessells }	050
For Recording such Certificatt	050
For discharge of a Ship or other lesser { Vessell }	050
For Recording such discharge	050
For Entring and takeing a List of all Servants and Passengers from the M ^{rs} importing them one shilling in money p pole the said paym ^t to be made by the respectiue Masters or cheife Com- anders of euery of the said ships or Vessells or	006

p. 154 For every Freeman transporting himselfe the same fee ex-
 cepting Inhabitants and the said Sum^e to be repayed the said
 Masters or Com^{an}ders by the Freight^{rs} or Ownors of such
 Servants

That every person or persons departing out of this Province shall pay to the Secretary for his or their Pass in money two shillings six pence This Acte to endure three yeares or to the End of the next Generall Assembly.

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The Lower howse haue
Assented
W^m Bretton Clk.

The Vpper howse haue
Assented
John Gittings Clre.

An additionall act
ag^t Hogs stealers

Whereas the former Acte against Hogs Stealers is found not to be sufficiently penall against the Offendors Be it Enacted by the Lord Proprietary by and with the Assent of this Generall Assembly that for the second offence The Offendor Convicted shall be burned in the Shoulder with a Letter H. with a red hott iron And that such an Iron be provided for every County Court This Acte to endure for three yeares or to the end of the next Generall assembly

The Lower howse haue
Assented
W^m Bretton Clk.

The Vpper howse have
assented
John Gittings Clre.

An Act for the purchasing
of a State howse and A
prison

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Whereas it is most necessary that a howse and place be provided for the houlding Pro^u Courts requisite for the administracō of Justice and keeping of Assemblies in this Province As also a Prison for the Securing Mallefactors and other Exorbitant Persons.

And the Members of this lower house of Assembly finding it Convenient as farr as the present Conditōn of the Country can now bear and to prevent greater charge upon the same to buy the houses and Plantation of Hannah Lee the Relict of Hugh Lee deceased to the end and Purpose abovesaid for which said howses and Plantacōn the said Hannah demandeth twelve thousand Pounds of Casked Tobacco to be paid to her this next ensueing Cropp her willingness and Consent thereto she hath already declared to this p^{re}sent Assembly and likewise doth engage herSelf Sufficiently to Cover the dwelling howse without further Consideracōn or allowance over and above the aforesaid sume of twelve thousand Pounds of Tobacco this present year and also to dwell and keep ordinary in the same

Liber
C & W H

for the tearme of three yeers for the necessary and requisite accomodation of all Be it therefore Enacted by the authority of this present Generall Assembly that the said Hannah Lee shall make over a true and just Conveyance of the said Land and houseing at S^t Maries where she now dwells and other appertenances belonging thereunto at the next Provinciaall Court to be held in June next to the Governour and Council and to be kept in the Secretaries office of this Province And Bee it, further Enacted by the authority aforesaid that the said sume of twelve thousand pounds of Casked Tobacco be paid to the said Hannah Lee for her said house and Plantation and be leavyed by an equall assessment p pole upon every taxable Person Inhabiting or resyding within this Province.

P. R. O.
Colonial En-
try Book
No. 53

An Act for the Burgesses Expences.

Bee it enacted by the Lord Proprietary By and with the consent of the Upper and Lower House of this Generall Assembly that every County shall satisfy unto their respective Burgesses all their necessary expences this Assembly for meat drink and lodging for themselves and charges of boat and hands att this next ensuing cropp as also one thousand pownds of tobacco to Hannah Lee for house roome and that John Shancks bee payd three hundred pownds of tobacco And that M^r William Bretton have two thowsand pownds of tobacco and M^r John Gittings one thowsand pownds of tobacco and five hundred pownds of tobacco for M^r John Metcalfe Doore Keeper

The Lower House have
assented. Wm. Bretton
Clk.

The Upper Howse
have assented
John Gittings
Clk.

PROCEEDINGS AND ACTS
OF THE
GENERAL ASSEMBLY
OF MARYLAND,

At a session held at St. Mary's, September 15—October 3, 1663.

CECILIUS CALVERT, LORD BALTIMORE,
Proprietary.

CHARLES CALVERT,
Governor.

THE UPPER HOUSE OF ASSEMBLY.

July 20th 1663

Cæcilius Absolute Lord & Prop^r of the Provinces of Maryland & Avalon Lord Baron of Baltemore &c: To the Sheriffe of S^t Maries County Greeting. Whereas by the advice & consent of Our Councell We haue determined to hold an Assembly of the ffreemen of Our Province att S^t Maries uppon the 15th day of Septemb^r next ensuing, there to consider certaine things Concearning the State & Wellfare of this Our Province of Maryland. Wee Comand yo^r Co^{ll} Will Evans Sheriffe of S^t Maries County, th^t making Proclamacōn as soone as conveniently may bee after Receipt of this Writt att the discretion of the ffreemen of yo^r County yo^r cause One Two Three or ffowre discreet Burgesses to bee elected to serue in the seyd Assembly. There to doe & consent to such things as by common Consent shall happen to bee ordayned & Enacted in the businesses afores^d soe th^t through want of sufficient power & inconsiderate Election of the afores^d Burgesses the businesses afores^d may not remaine undone or neglected. And make yo^r Returne of this writt into the Secretaries office by the 8th day of Septemb^r next. Gyuen att S^t Maries the 20th day of July in the 32 yeare of Our dominion ouer the s^d Province Anōq dñi 1663

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The like writt issued Eod die to Sheriffe Charles County
The like writt to Sheriffe Caluert County
The like writt to Sheriffe Annarundell County
The like writt to Sheriffe Kent County
The like writt to Sheriffe Baltemore County
The like writt to Sheriffe Talbott County

July 20th 1663

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Cæcilius Absolute Lord & Prop^r of the Prouinces of Maryland & Aualon Lord Baron of Baltemore &c: To our Trusty & Welbeloued Henry Sewall Our Councello^r & Secretary Greeting in Our Lord God Euerlasting. Whereas Wee have appoynted to hould a Generall Assembly of the ffreemen of Our Prouince att S^t Maries uppon the ffueteenth of Septemb^r next. Wee doe therefore hereby Will & requyre yo^r that all excuses & delayes sett a parte yo^r repayre in person to the s^d Assembly att the time & place prefixed there to aduise & con-

U. H. Journal 1659-69 sult with Vs touching the important affayres of Our Prouince Gyuen att S^t Maries the 20th day of July in the 32th yeare of Our dominion over the s^d Prouince Anōq dīi 1663

The Like writt to Philip Caluert Esq^r Chancelo^r &c

The Like writt to Rob^t Clarke Esq^r

The Like writt to John Batemaⁿ Esq^r

The Like writt to Baker Brooke Esq^r

The Like writt to Jerome Whyte Esq^r Surveyo^r Gräll

The Like writt to Henry Coursey Esq^r

The Like writt to Edw Lloyd Esq^r

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September 15th 1663

Journall of the Vpper howse of Assembly held by the Hono^{ble} Charles Calvert Esq^r Governo^r

Att S^t Marys in the Province of Maryland to the Assembly appeared Charles Calvert Esq^r Governo^r Philip Calvert Esq^r Chancellor Henry Sewall Esq^r Secretary Jerome White. Rob^t Clarke, Baker Brooke Edd: Lloyd and John Bateman Esq^{rs}

Then appeared as Burgesses for S^t Marys County W^m Calvert Esq^r Robert Slye Thomas Notley and Cap^t Nicholas Gwyther Gent.

Then appeared as Burgesses for Kent County Henry Carline and Robert Dun.

Then appeared for Calvert County Richard Preston Thomas Brooke, and Thomas Leitchworth gent.

Then appeared for Anne Arrundell County Thomas Meares George Puddington Richard Beard and John Holmewood gent.

Then appeared for Charles County Henry Adams and Joseph Harrison gent.

Then appeared for Baltemore County Major Sam Gouldsmith, Thomas Stockett Francis Wright and Richard Bennett gent.

Then appeared for Talbott County Rich: Woollman gent

Both howses being mett and after the Chancello^r had given the Lower howse the reasons for calling the Assembly and being licenced to choose their Speaker by the Leivtenn^t Generall they departed.

And after some tyme returned and p^rsented Robert Slye gent. their Speaker who after disabling of himselfe was approved on by the Leiutenn^t Generall

And the Vpper howse is ajourned
till to morrow morning 9 of the
Clock

Wednesday September 16th

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Present Philip Calvert Esq^r deputy Leiutenn^t and Chancello^r
Jerome White Baker Brooke Edward Lloyd and John Bate-
man Esq^{rs}

A List of Acts to be taken into Consideracōn (vizt)

A Lawe for prohibition for burying of servants privately.

The plt to file his bill ag^t the def^t 3 dayes before the Court
begins

The Criminall Causes to be tryed att the Pro^{all} Courts

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Amerciam^{ts} vpon all actions in Pro^{all} Courts.

Noe Arrests without Entry of Action

Grand jurys to p^rsent Offendors.

Pillory and Stocks att every Courte.

Prisons to be built in each County.

Publick Leavyes to be first payd.

Sherriffes to take Bayle.

Appraysem^{ts} of goods.

Noe Arrest for Sabbath dayes

English weights and measures in every County.

Concerning Orphans Estates.

Seateing vpon other devidents.

Lands five yeares in po^{ss}on.

fraudulent Conveyances.

Lands to be marked and bounded

Bounds of lands to be every foure yeares viewed.

Attorneyes for Businesses from England.

Ordinary Keepers how to sell.

Hyred Servants.

Runawayes.

Against vnruely Servants.

Against tradeing with Servants.

Improvem^t of Staple Comodities

A Lawe prohibiting exportacōn of Wooll and hydes.

Tan howses to be Erected.

Stray horses

To sett a Rate of all moneys.

Against private takeing away Boates & Canowes

Supply of Amunicōn.

Masters of ships to provide foure mōthes provision.

Administracōns to whome to be granted.

A Publick Notary to be appoynted.

Then was read the peticōn of Garrett Rutten Locksmith for
an Acte for Naturalizacōn for himselfe his wife and Children.

Ordered that itt be taken into Consideracōn to morrow
morning.

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Then was read the petⁿ of Alexander Toulson Gunsmith for an Acte for Execucōn for his debts being in small parcells

Ordered that itt be taken into Consideracōn to morrow morning.

And the Vpper howse ajourned till to
morrow morning 9 of the Clock

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Thursday Sep^r 17th

Present Philip Calvert Esq^r deputy Leiutenn^t & Chancello^r
Henry Sewall Esq^r Secretary Jerome White Baker Brooke
Edward Lloyd Henry Coursey and John Bateman Esq^{rs}

Then was read the petⁿ of Augustine Herman for an Act for Naturalizacōn for himselfe Children and his brother in Lawe George Hack.

Ordered that an Acte of naturalizacōn be prepared for the Consideracōn of both howses to naturalize Garrett Ruttzn and his Children. and Jacob Clauson ffreemen of this Province.

Vpon the petⁿ of Alexander Tourson Ordered that an Acte be prepared for both howses their Consideracōn to give all Smiths Execucōn vpon their Acc^{ts} vnder hand wryting or bills for Smiths worke done.

Ordered likewise that an Acte of Naturalizacōn be prepared for Augustine Herman, and his Children and his brother in Lawe George Hack and his wife and Children.

Ordered that an Acte be prepared for the plt to file his bill or Declaracōn ag^t the def^t three dayes before the Courte begins and Regulating the proceedings att Lawe:

The Vpper howse is ajourned till
to morrow morn. 9 of the Clock

Fryday Sept. 18th

Present Philip Calvert Esq^r deputy Leiutenn^t & Chancello^r
Henry Sewall Esq^r Secretary Jerome White Baker Brooke Edd
Lloyd and Henry Coursey and John Bateman Esq^{rs}

Came a Message from The lower howse to desire to know whether the booke of Lawes Entituled a Coppy of all [the] Lawes now in force within the Province of Maryland were the bodyes of all the lawes in force or not.

Ordered that the booke of Lawes now Examined by the Vpper howse be subscribed by the Clk of this howse as all the lawes now in force within this Province,

Ordered that a Member of this howse be sent to the lower howse with a memoriall vizt. To provide a Lawe ag^t Exportacōn of Hydes and Wooll.

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To provide a lawe to punish Contempts in Courte or out of Courte by not standing Bare headed &c. before Courts or Magistrates

To provide a lawe to punish such as shall take away or otherwise dispose of Tobaccos after they are seized on by the Sherriff for fines, Leavies or Rents &c

For the Speaker

To provide a lawe to give Smiths Execucōn for their acc^ts vnder hand wryting, or bills given for Smiths worke done as the Ordinary Keeper hath.

Ordered that a Coppy of all the heads of the lawes ordered to be taken into Consideracōn by this howse be sent to the lower howse and that they be desired to lett this howse knowe which of them they have already taken into Consideracōn and that they will send to the Vpper howse all the bills that they haue ready that wee may take them into Consideracon.

The howse ajourned for an howre

And the howse mett againe

Then Came from the Lower howse W^m Calvert Esq^r & Thomas Motley and brought this petⁿ from Cap^t Thomas Cornwallis. (viz^t)

To the Hono^{ble} the Leiutenn^t Generall & Chancello^r with the rest of the Councell assembled in the Vpper howse of parliam^t & to the gen^t of the Assembly for the Province of Maryland.

The humble petⁿ and Complaynt of Tho: Cornwallis Esq^r one of the first & cheife Adventurers for the planting and Jnhabiting the fores^t Province

Sheweth

That whereas the Complt as itt is well knowne hath att his greate Cost and Charges from the first planting of this Province for the space of twenty Eight yeares been one of the greatest Propagators & Jncreasers thereof by the yearly Transportacōn of servants whereof divers haue been of very good Ranck and Quallity, towards whome and the rest he hath alwayes been soe carefull to discharge a good Conscience in the true pformance of his promises and obligacōns that he was never taxed with any breach thereof though itt is also well knowne & he doth truly averr itt, that the Charge of soe greate a family as he hath alwayes mayntayned was never defrayed by their labo^r

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Now soe itt is that the Complt intending to returne out of this Province into England with his wife there to Reside, and to leave the managem^t of his affayres in this Province with Richard Hotchkeyes and M^{rs} Anne Tilney one John Nicholls an Inhabitant of this Province who had been long and much indebted to the Complt; and from yeare to yeare forborne by him without ever takeing one penny of him for the damage of non payments being growne very poore and vnable by his labo^{rs} to pay his debts, and mayntayne himselfe wife and Children did some two or three moneths before the Complt^s departure for England in the yeare 1659 sell the Complt his plantacon And more to lessen his Charge did by the mediation of the s^d Rich^d Hotchkeys M^{rs} Anne Tilney and others earnestly Importune the Complt. & his wife to take his eldest daughter named Hester being ab^t 10 or 11 yeares ould, an Apprentice for five yeares which the Complt refused and yett att last by the earnest sollicitacōn of the sd Nicholls himselfe and others in his behalfe. And in Commiseracōn of his poore Estate and the sd childs who was in a very poore Con- dicōn for want of Cloathes as well Linnen as woollen, did Con- discend to accept her for seaven yeares, And accordingly an Indenture was drawne Signed & Sealed by the said Nicholls and his daughter in the p^rsence of the s^d Hotchkeys and John Abington without any other Condition than w^t was Conteyned in the s^d Indent^r. And whereas in a petⁿ to this hono^{ble} Courte the 11th of February 1661 Jtt is falsly alledged by the s^d Nicholls that the Complt did earnestly press him for his s^d daughter promising she should doe nothing else but wayte vpon his wife who itt is well knowne wanted noe Attendants of farr better fashon, And was shortly intended to goe for England with the same mayd she brought with her, with noe Resolucōn as was well knowne to the s^d Nicholls of returning againe into this Province. And to bee att the Charge of transporting or keepeing such a Rude Rawe ill bred Childe for or in England where Servants of all sorts may be had on Easier tearmes, is altogether Jmprobable yett how otherwise she should doe nothing else but wayte vpon his wife or that he the s^d Cap^t should take as much Care for her as his owne Child which is also Sworne by his Confederate Edward West, he humbly desires this hono^{ble} Court to take into their serious Consideracōn as alsoe the last Clause of the s^d Nicholls his petⁿ wherein he Craves that his daughter may not be made a Slaue a tearme soe Scandalous that if admitted to be the Condicōn or tytle of the Apprentices in this Province will be soe distructive as noe free borne Christians will ever be induced to come over ser- vants. of all which falsetyes the s^d Nicholls and West were soe Conscious (as the Complt hath reason to beleive that they

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waved the Judgem^t of this Hono^{ble} Bench to whome itt solely and properly belonged to take Cognizance of what is lawe or Equity And Crave a Jury to whome by the lawes of England and Maryland itt belongs to take Cognizance only of matters of fact, And Consequently the Jndent^r being proved or Confest must haue found for the def^t for were the legallity or equity of Bonds or Covenants when proved or Confest to be decided by a weake and Ignorant Jury, The Complt vnder a favorable Correccōn humbly offers itt to the judicious consideracōn of this Courte what need would there be of Lawyers to dispute doubtfull Cases nor of learned judges to determine them but only to sitt as Cyphers to confirme ignorant and illegall verdicts And whereas there is noe other Wittnes pduced by the s^d Nicholls to prove his false suggestions but the foresaid Edward West whose misdemeano^{rs} towards the Complt when he was last in this Province is soe notorious that itt neede not be repeated though vpon his humble submission It was forgiven him by the Complt whose Serv^t he had been that he also liues in the s^d Nicholls his howse. And as the Complt is informed had a designe to marry his s^d daughter, In Consideracōn of all which p^rmisses with the illegallity of the Verdict wherein the Complt without ever being heard or any Wittnes in his behalfe Examined is asperst vpon Record with fraud and deceit, which he abhorrs, And is in his Conscience altogether Inno^{cent} haueing att that tyme as is well knowne neere twenty Servants to mayntayne And had noe need of soe vseles a Servant to increase his charge but only in charity to the s^d Child & her father who in 3 yeares tyme never challenged any such promise as he now suggests of the Complt^s nor att his last being in Maryland ever complayned to him of her imploym^t or keepeing which was yett noe other then as one of his Ordinary Mayd serv^{ts} as doubtles he would haue done had there been truth in the oathe or allegacōn made in his absence to this hono^{ble} Court. To whome in parliam^t or Chancery by the lawes Customes & usages of Eng^ld and this Province itt belongs to releive the jnjured ag^t Surreptitious judgm^{ts} nothing being more Comōn in this nacōn then reversing of Judgm^{ts} vpon writts of Error in the equity or legallity of the proceedings which being Evident in the fores^d verdict he humbly prayes itt may be vacanted & the ord^r thereupon Reversed, whereby yo^r pet^r may haue his Reputacōn vindicated, The Servant or satisfaccōn for her tyme restored to the R^t Owne^r. The abused serv^{ts} and apprentices of this Province righted, by all which if the s^d Nicholls or any other pson finde themselves aggrieved the Complt is ready to answere any Bill that shall be Exhibited legally ag^t him, Provided he haue notice & sufficient tyme given him for itt. And will putt in sufficient security to stand to

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U. H. the Judgem^t of this hono^{ble} Court, for all damages that shall be
 Journal adjudged ag^t him Provided the plt may doe the same where-
 1659-69 by he may knowe how to gett such satisfaccōn for vnjust
 molestacōn and Slander, as the Courte shall Award

And he shall pray &c.

p. 166 Ordered that this petⁿ be Endorsed lett justice be done, &
 sent to the Leiutenn^t Generall to sett his hand to itt.

Then was brought also by the same pson A Bill Entituled
 an Act for the Confirmacōn of all Alienacōns heretofore made
 within this Province of Maryland and a due Course for all
 Alienacōns for the future w^{ch} they desired this howse would
 take into their Consideracōn Ordered that the s^d bill be
 read.

which being read and some Amendm^{ts} putt into itt.

Ordered that the further Consideracōn of this bill be referred
 till to-morrow morning.

Then was brought a petⁿ of Thomas Taylor Cuthbert ffen-
 wick W^m Mills and John Bogue from the lower howse, by the
 same psons. (vizt)

Whereas M^r W^m Eltonhead Esq^r of the County of Calvert
 deēd. did by his last will deuise vnto his wife M^{rs} Jane Elton-
 head and his heires all his lands and Chattles, and by the s^d will
 desired his wife to sett a parte some p^{ts} of his devident of land
 for the vse of Robert and Richard ffenwick which he left to
 her discretion and not any pcell as yett being sett a parte,
 Thomas Taylor the Lawfull heire of the s^d M^{rs} Jane Eltonhead
 for the love and affeccōn he beareth to the s^d Robert and
 Richard ffenwick doth freely give and sett a parte for the vse
 and benefitt of them both two hund^d acres of land being pte of
 his devident he now liveth on according to Survey Contayning
 its due length and bredth for which free guift M^r Cuthbert
 ffenwick M^r John Bogue and M^r W^m Mills Guardians to the
 above Robert and Richard ffenwick, doe for and in the behalfe
 of the s^d Orphans release acquitt & discharge the s^d Thomas
 Taylor and his heires of & from all manner of Claymes or
 Interest the s^d Robert and Richard ffenwick can or may any
 wayes lay to the s^d land of Thomas Taylor as by M^r W^m Elton-
 head desired legacy to them the s^d Robert and Richard ffen-
 wick &c.

Now itt is the humble petⁿ of Tho: Taylor Cuth: ffenwick
 John Bogue & W^m Mills as Guardians to the above Orphans.

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To the Right hono^{ble} the Governo^r & Councell of the
 Upper howse of this Grand Assembly & the Burgesses
 for the lower howse of this p^rsent Assembly for the
 Province of Maryland.

That this sd deed together with the will of M^r W^m Elton-head dec^d may be Confirmed to him the s^d Taylor and the said Robert and Richard ffenwick That hereafter all other p^rtended Tytles may be debarred att Lawe, and that noe plea in Barr may be heard or admitted by any p^rsons whatever, that may att any tyme seeke to disturbe yo^r pet^{rs} Quiett. And yo^r pet^r as in duty bound shall pray &c.

Signed Sealed & deliuered
in the p^rsence of
W^m Bretton
Ignatius ffenwick

Tho Taylor O
Cuth ffenwick O
W^m Mill O
J^{no} Bogue
his marke

Thursday 17th 1663

The Sence of the Lower howse is that Taylor Cuthbert ffenwick John Bogue and W^m Mills petⁿ be taken into Consideracōn by the Upper howse & that an acte may pass as is there prayed

W^m Bretton Clk

Ordered that this petⁿ be referred till the bill for the Confirmacōn of all Alienacōns for lands &c be passed by both howses.

Vpon the Returne of Cap^t Thomas Cornwallys petⁿ sent to the Leiutenn^t Generall for his hand, and Signed by the Leiutenn^t Generall.

Ordered that the sd Cornwallis by himselfe or Attorney Come to this howse and Assigne Errors in Judgem^t by tomorrow

Then Came Thomas Notley from the lower howse and desired Bills might be drawne for the Consideracōn of both howses (vizt) An Acte Concerning paym^t of debts An Acte for the Administracōn of Justice &c An Act Concerning Attorneys, An Act for the advancem^t of Childrens Estates, An Act for Confirmacōn of Tho: Taylors petⁿ An Act for the building a howse to keepe the Records in: All which proposalls were referred till to morrow morning

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And the howse Ajourned till tomorrow
morning 9 of the Clock

Sattirday Morning Sep^t 19th

Present Philip Calvert Esq^r deputy Leiutenn^t & Chancello^r
Jerome White, Henry Coursey, Baker Brooke Edd Lloyd and
John Bateman Esq^{rs}

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Ordered that a Scire facias be sent to John Nicholls to come to the Assembly ad audiendum Errores Assigned by Thomas Notley the Attorney of Thomas Cornwallis and to shew cause if any he haue &c.

The howse Ajourned till 10 of the
Clock on Munday Morning

Munday Morning Sept: 21th

Present Philip Calvert Esq^r Chancello^r Jerome White Baker Brooke Edd. Lloyd Henry Coursey and John Bateman Esq^{rs}

Scire facias this day issued ag^t John Nicholls to appeare in the Upper howse of Assembly on Wednesday the 23th Sep^r next ad audiendum Errores assigned by the Attorney of Cap^t Thomas Cornwallis in a Cause betweene the sd Nicholls & Cornwallis

M^r Jerome White Exhibited his Proxee for Henry Sewall Esq^r departed by Lycence from the Leiutenn^t Generall and was admitted

Then The howse tooke into Review the Lawes made the last Assembly being Temporary, and first was read that Acte Concerning those Servants that haue Bastards. and was voted to Continue

Then was read the Act for the publicacōn of marryages voted to Continue

Then was read an Interpretacōn or Explanacōn of th^t act lymiting Servants tymes made the last Assembly anno 1661

Voted that itt be Entituled an Act for the Interpretacōn &c.

Then was read an Explanacōn of that Clause in an act made by Cap^t W^m Stone 21th Aprill 1649 touching hoggs and marking of Cattle. Voted that instead of these words (both
p. 169 howses doe make this Interpretacon) these words be inserted (vizt) Be itt Enacted by the Lord Proprietary with the Consent of the Upper & Lower howse of this Generall Assembly that ones owne land &c ut in Act.

Then was read an Acte Concerning the paym^t for Bullione brought into this Province.

Voted to Continue

Then was read an Acte for the Encouragem^t of Soweing English Graine: voted to Continue

Then was read an Acte Concerning paym^t of ffees from Criminall psons voted to Continue

Then was read an Act for the Encouragem^t of ordinary Keepers. Voted to Continue

Then was read an Act Concerning the proceedings att Lawe voted to Continue.

Then was read an Act Concerning paym^t of debts due by bill. U. H.
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Voted that that Act be revived & th^t wee have a Conference with the Lower howse touching the makeing of itt perpetuall

Then was read an Act Concerning taxable p^osons Voted that this Act Continue.

Then was read an Act Imposeing a fee on them who shall be married Voted to Continue

Then was read an Acte Concerning Indians voted to continue

Then was read an Act appoynting Sherriffs. Voted to Continue

Then was read an Acte touching Runawayes voted to Continue

Then was read an Acte of gratitude for the Leiutenn^t Generall.

Voted to Continue and that to the Enacting Clause be inserted these words (Be itt Enacted by the Lord Proprieto^r)

Then was read an Act Lymiting servants tymes Voted to Continue.

Then was read an Act Concerning the Secretary and Addicōn to his ffees.

Resolved that itt be putt to the Vote whether itt be necessary that the Secretary keepe a List of the Servants and Passengers transported into the Province or not.

M^r Bateman his opinion not

M^r Brooke not

M^r Lloyd not

M^r Coursey not

M^r White (yea)

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The Chancellors opinion is that there is noe necessity att all of Keepeing such a List.

Voted that the Act be altered in the Clause for Merch^ts and Masters of ships protests and recording them and the whole Charge of Entry of ships or other lesser Vessells, That the fee for Entry of Servants and Passengers be wholly taken away.

Then was read an Additionall Act ag^t Hoggs-stealers

Voted that itt be Renewed

The howse is Ajourned for an howre and then mett againe as before

Then was read an Act for the Quietting possōns of land and Establishing the Manner of Conveyances of land for the future

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Ordered that this Act be faire written & sent to the Lower howse to be Considered on by them

And the howse ajourned till 9 of the
Clock in the morning

Tuesday 27th Sept.

Present Charles Caluert Esq^r Governor. Philip Calvert Esq^r Chancello^r Jerome White Henry Coursey Baker Brooke Edd Lloyd & John Bateman Esq^{rs}

Then was read an Act for Repeale of the second Branch of the Act made att St Johns 4th March 1647 by Thomas Greene Esq^r Governo^r Entituled an Act touching paym^t of debts

Then was read an Act for Attorneys for businesses out of England

Then was read an Additionall Act for advancement of Childrens Estates

Then was read an Acte for the ad^{con} of Justice

Voted that they be sent to the Lower howse to be there Considered & that the Lower howse is desired to take them into their Consideracōn with all speed possible that this howse may proceed to putt them to the Vote, which they desire for the avoyding of vnecessary Expence of tyme.

p. 171 Was returned the Additionall Act for the advancement of Childrens Estates from the Lower howse wherein they desired the words (Handy craft, Trade) might be struck out.

Ordered that answe^r be returned that to strike out those words (Handy craft Trade) was to destroy the very thing Intended. by the Act which was to breed vp all the indigent youth of this Province to Handy craft Trade and noe other.

Came M^r Richard Bennett with this Vote from the Lower howse (vizt)

The Vote of this howse is, In the Act for Attorneys

That not only Attorneys but that any other person from forreigne parts p^ttending to an Estate here vpon what Tytle soever shall be obliged to putt in Security, and vnder the same penalty as Attorneys are.

By order of the howse

W^m Bretton Clk.

Ordered that answe^r be returned to the lower howse that this howse doth not judge itt fitt to putt any pson that Comes to seeke his due in proper person into the same Con- dicōn with Attorneys because he is here to answe^r any thing

that is layne to his Charge where as the Attorneys power dyes with his Suite

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The howse is Ajourned till
two of the Clock in the Afternoone

The howse mett againe

Then was read an Acte for Amerciam^{ts} in the Pro^{all} and County Courts. Voted to be sent to the lower howse

was read an Act ag^t Exportacōn of Wooll & old Iron
was read an Act drawne yesterday according to the Vote Concerning the Secretarys ffees.

Was Read an Act to give Smiths Execucōn for their debts.
Voted that these 4 Acts be sent to the Lower howse for their Consideracōn.

In the Vpper howse of Assembly att S^t Marys there being then p^rsent also a Comittee from the Lower howse, vizt Thomas Notley W^m Calvert Esq^r Cap^t Thomas Stockett Cap^t Nich Gwyther Major Brooke Francis Wright and Henry Adams

Came Wastahandow Cheife Generall Councello^r of the Sasquesahanough nacōn and declared. That vnderstanding he was sent for to a treaty att the head of the Baye he did in the Company of other the greate men, come downe to the sd treaty That haveing vnderstood from the Com^{rs} appoynted to treat with him that the English did suspect some of their nacōn to have Committed those murders vpon some of the English att the head of the Bay in Swan Creeke he had acquainted the greate men of his nacōn att the forte with itt. & th^t he was now Come downe to give an Acc^t of what they say therein (vizt) That itt being charged as a suspicōn only, they had Enquired of all the Troopes that then were abroad towards the English and of every particuler pson that they could suspect whether they had Killed any English yea or noe. And itt being Constantly denied by them all they tooke Councell what to doe, and Resolved to send out Troopes of Soldiers towards the Cinagos Enjoyning them to take what prisoners they could aliue, and bring them to their fforte to be Examined whether there nacōn had lately killed any English.

That Concerning the silke stufte which was found among the Sasquehannough Indians that had been taken out of Hans Dering his howse when the men were there murdered which gave the Cause of the Suspicion they had also Enquired and Charged the Indians that brought itt to the fforte, with the murder of the men, who answered that they were employed by Cap^t Thomas Stockett, to pursue the Murther[ers] That they had pursued them towards Bush riuer and found them by their

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feeting to be fue in number and that att a place where they had rested vnder the side of a tree they had found the Silke stuffe which made only 3 Poke Baggs and noe more That Murder cannot be hid and if ever they finde itt hereafter they will Reueale itt. That he does desire that the English would not thinke th^t the Murder was Committed by them who depend vpon the English for their security

That the Warr was not begun by them but by the Cinagos that they haue often sought peace & that lately wth a vast Expence of 70 Belts of Peake and had their Embassadors killed by them, as they did carry itt.

That there are 2 ffortes that haue already killed of the English (vizt) Quyoocke & Oneandagehagh which two ffortes with the assistance of the English he doubteth not to take.

That he comes not now as bringing a p^rsent but naked. That their Ennemy in all the ffortes are but 1400 & sixty men That the Sasquesahanoughs are ab^t 700 fiting men

Ordered that if he will stay whilst wee Conferr with the Lower howse wee will giue him the Resolucōns of both howses with him, if not to send answere by the Burgesses of Baltemore County

The howse ajourned till 9 of the
Clock in the morn

Wednesday 23th Sep^r 1663

Present Charles Caluert Esq^r Governo^r Philip Calvert Esq^r Chancellor Henry Sewall Esq^r Secretary Jerome White Baker Brooke Edd. Lloyd Henry Coursey and John Bateman Esq^{rs}

p. 174 Then was read an Act for proceedings att Lawe. Ordered to be putt to the Vote of this howse Then came the High Sherriff of the County of S^t Marys, and returned the writt of Scire facias Executed.

The Act for proceedings att lawe voted to pass.

Then came from the lower howse an Act for a Prison att S^t Marys.

Ordered that this Act be referred to a Conference with the lower howse as also the Act for an Office to keepe the Records in.

Then was read an Act prohibiting the Exportacōn of Hydes. Ordered that the lower howse be desired to strike out these words in the Act phibiting Exportacōn of hydes, vizt one halfe of the fine to ffrancis Jackson gent. and in stead thereof to putt in the Lord Proprieto^r & if they thinke fitt to grant any other

Encouragem^t vnto the sd ffancis Jackson, that they are desired to inserte itt.

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Then was read an Acte for the Repeale of the first Branch of the Act made att S^t Johns 17th Aprill 1661 by Philip Calvert Esq^r Governo^r intituled An Act Concerning Killing wilde Cattle.

Ordered that theis words (with lycence from the Leiutenn^t Generall—be inserted in this Act

Then was read an act for the Quietting possōns of Lands & Establishing the manner of Conveyances of Lands for the future.

Ordered that after these words (disturbance or Denyall in the first Clause in the Act be incerted these words by any Clayme to be made after the 24th day of March which shall be in the yeare of our Lord God 1664 by any pson or psons whatsoever &c & that wee haue a Conference wth the lower howse about this Act & the reason of the Amendm^{ts}

The Consideracōn of which was referred till
after Dinner

Then John Nicholls appeared and desired a view of the p. 175 Errors assigned by Thomas Notley the Attorney of Cap^t Thomas Cornwallis.

Ordered that he haue a Coppy of the Errors & that he putt in his answe^r ag^t Munday Morning

Then was read an Act prohibiting Arrests vpon the Sabbath dayes, and dayes of Generall Musters & Trayning

Ordered that these words be inserted vizt Provided also that itt may be lawfull for any Sherriff to Arrest any pson or psons att a Mustering day that is not bound to attend that Muster there to Exercise & trayne & that itt be subscribed the vpper howse have Assented & that itt be sent to the Lower howse for their Assent also.

Then was read an Act for Attorneys for businesses out of England

The vpper howse thinke itt not fitt to pass the latter Clause of this Act, Concerning Attorneys out of England for this reason vizt the pson p^rsent is lyable to any Arrest or Imprisonm^t for any such vnjust molestacōn and further itt would deterr any pson for seekeing his due, in pson in the Province though never soe just, for feare leaste he finde noe Acquaintance to be his Security.

Then was read an Act for the Erecting a Pillory Stocks and Ducking stoole in every County of this Province

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Ordered that this Act be subscribed the Vpper howse haue assented

Ordered that the Speaker be desired to expedite the Act for more certaine payment of the publick Leavyes

The Acte for punishm^t of Contempts in Court by not standing vncovered &c.

The Act for punishm^t of such as scratch out marks &c. and dispose of hhds of tobacco seised vpon by the Sherriff &c.

Vpon the petⁿ of Coll Evans for pay for 20 men for attending the Leiutenn^t Generall to Choptico 4 dayes besides 5^{lb} of powder & twenty ^{lbs} of shott.

p. 176 Ordered that the petⁿ be Endorsed thus (vizt) wee Conceive itt not fitt to bring the Province in debt vpon this acc^t the powder & Shott excepted

Vpon the petⁿ of Randall Hanson for pay for 30 men for 4 dayes &c and 4^{lb} of powder

Ordered likewise that the petⁿ be Endorsed thus (viz^t) wee Conceiue Itt not fitt to bring the Province in debt vpon this acc^o the powder excepted.

And the howse Ajourned till
9 of the clock to morrow
morning

Sept^r 24th

Present as before

Then was read the Act for Quietting possōns of land &c and the Sence of the Vpper howse againe Endorsed on the back side thereof & sent to the lower howse (vizt)

Leaste the lower howse should through misvnde^rstanding precipitate this Act, which if itt pass in terminis may seeme to our Neighbours & other p^{rs}ons in England Injurious, The upper howse haue thought fitt to Explicate their meaneing & send this Act once more to the lower howse for their Consideracōn (vizt) they desire that all p^{rs}ons that haue held lands &c as in the Act is mentioned att or before the 15th September 1658 be for ever vnquestionable And that those lands that haue been purchased or pōssd since the sd 15th September 1658 be Questionable Provided the Clayme be made within one yeare after notice may possibly arrive in England but to be for ever after vnquestionable And that the whole lower howse be desired to come to Conference touching the reasons.

Ordered that every Act that passes this howse shall be read three tymes in the Vpper howse before itt be deemed an Act.

The Act for Erecting Pillory Stocks & Ducking Stool read the second time & Voted to pass

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Ordered to be read the third time Voted to pass the Upper House

Then was read the second time the Act prohibiting the Exportation of Hydes out of the Province. Which was rejected

Ordered that the Act Concerning the killing wild Cattle made at St Johns 17th April 1661 by Philip Calvert Esq^r then Governour be repealed

Then was read an Act Enjoining Sherriffs to take Bail the first time, ordered that the Lower House be desired to strike out these Words (to perform the award of the Courts) & instead thereof to insert these words (to appear at the Court at the day of the Return of the Writt when the Cause shall be Called & abide Judgment

Then was read an Act prohibiting trading & Gaming with Serv^{ts} the first time

The House Adjourned till two of the Clock

The House met again

Then was read an Act the first time for the repeale of a Clause in an Act made the 23^d day of October 1640 by Leonard Calvert Esq^r Lieuten^t General of this Province Entituled an Act for Servants Clothes being read three times ordered to be passed

Then was read an Act for providing an Iron in each County for burning Malefactors, being read thrice Voted to pass

And the House Adjourned till to Morrow Morning Nine of the Clock

September the 26th 1663 Present as before

Then was read an Act for levying the Surveyour Generall's fees by way of Execution voted to pass.

The House took into Consideration the Act for the quietting possessions &c. and find it Endorsed viz.

The Lower House desire this Act may pass as it is with a proviso in the latter End without any other Alteration

Then the said proviso which was also owned by the Speaker at a Conference of both houses, & It appearing thereby that the Lower House would not consent to give time to any after Claims This House judged it too injurious to Orphans & Persons absent & therefore laid the said Act aside

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Then was read the Act imposing a penalty on all such who shall dispose of Tob^o seized & received by the Sherriff or others the third time & voted to pass An Act for providing his Lordships dues & other publick Levys Voted that it be laid aside in regard that It did not answer the End intended

The House Adjourned till two of the Clock

And the House met again

Then came from the Lower House M^r Tho^s Stockett & said the Lower House desired to know what the Upper House had done concerning these Acts they brought in yesterday & particularly that Act concerning the quietting Possiōns &c & if it had not passed the house to know the reasons why they thought it not fit to pass it to which It was answered that the reasons were given at the Conference of both Houses yesterday but that we would send them again the reason in Writing Viz. to pass the Act for quietting Possessions without giving some time to persons under Age Widows & persons residing out of the province to Claim is contrary to all reason & the practice of all other Nations

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Then was read an Addition to & Amendm^t of that Acte for Secretarys ffees

Ordered that a Message be sent to the lower howse & that this howse desires to knowe what they haue done with that Act that was sent from this howse touching the Secretarys ffees yesterday

Vpon p^rsenting the Act from the Vpper howse concerning the Secretarys ffees this howse caused to be read the former Act made last Assembly concerning the Secretarys ffees and did yesterday p^rsent the Vpper howse with an Act in order therevnto whereupon this howse desires that this Act be waved & that other to pass the reasons are expressed in the preamble to the Act

An Act Concerning the Secretarys ffees

Be itt Enacted by the Right hono^{ble} the Lord Propriet^r of and with the Consent of this p^rsent Generall Assembly that the Secretary shall haue for every Lycence for Marryage 20^s Sterl. or 120th Tob.

ffor Merch ^{ts} and Masters of ships protests and }	
Recording them 4 ^s 6 ^d or }	034
ffor takeing Bond of Masters of ships or other }	015
lesser Vessells the same fee the Sherriff hath }	
ffor a Certiff ^t of Masters of ships or other }	015
lesser Vessells }	
ffor discharge of a Ship	050

ffor every Pass that shall be deemdd of him
by psons departing the Province 2^s 6^d
ffor every Sloop that shall come from Virg^a
and shall not bring a Certiff^t that they
belong to some Ship there that hath given
Bond according to the Act for Navigacōn
and increase of shipping the same fees
as for a Ship, but in case they doe produce
such Certiff^t to goe free without paying fees

Then was read againe that Act Entituled an Addition to p. 180
and Amendm^t of that Act for Secretarys ffees, which is as fol-
loweth.

An Addition to and Amendm^t of
that Act for Secretarys ffees

The Burgesses of this p^rsent Assembly takeing into there
Consideracōns the Act made anno 1662 touching Secretarys
ffees, and not being sensible of any detrym^t accruing either
to the Masters of ships Planters or others thereby doe thinke
itt Convenient and necessary that that Act remayne with the
addition of this Clause (vizt) That any Master or Purser of any
Ship or Vessell that shall Conceale any pson or psons imported
into this Province whereby the Secretary may be defrauded of
his ffees shall forfeite five shillings in money to the Secretary
for every pson soe Concealed vpon prooffe made: Be itt there-
fore Enacted by the Lord Prop^r by and with the Consent of
the Vpper and lower howse of this p^rsent Assembly. That
the Act for Secretarys ffees with the addition afores^d doe
stand and be in full force excepting that Clause in the fore-
said Act which sayth (And the s^d Sume to be repay^d to the
Masters or Commanders by the freight^{rs} or Owno^{rs} of such
servants) be Repealed, and be itt repealed by the authority
aforesaid, That Act with this addicōn & Amendm^t to endure
for three yeares or to the End of the next Generall Assembly

After readeing of which Resolued that itt be putt to the
Vote whether itt pass yea or not

M^r Bateman his opinion that without amendm^t Itt ought not
to pass.

M^r Baker Brooke not to pass.

M^r Lloyd not to pass as itt lyes.

M^r Coursey to pass with amendm^{ts}

M^r Whites to pass.

Vpon the mocōn from the Lower howse to haue the act for
Quieting possōns againe reassumed. Ordered th^t itt be sent
to the lower howse for their Consideracōn

The Chancellors opinion that itt ought not to pass without p. 181
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The Leiutenn^t Generall's opinion that itt pass as itt is.

The Vpper howse vpon the bringing of the Acte for Quietting possōns from the lower howse againe doth vote that itt pass according to the Amendm^t of the last Clause, and referre itt till to morrow morning

The howse ajourned till to morrow
morning 9 of the Clock

Sep^t 26th

Present as before

Then was read the Act for Quietting possōns which the Secretary carryed to the lower howse.

Then came an Act from the lower howse for appraysem^t of goods which was waved in this howse.

Came an Act for weights & measures waved

And the howse ajourned till
9 of the clock in the morn.

Munday Sep^t 28th

Present all as before except M^r Bateman

Came a Messenger from the lower howse with the Act for Quietting possōns &c.

Ordered that the Chancello^r and Secretary goe to the Lower howse with the Act for Quietting possōns & yielding the reasons of the Amendm^{ts} of this howse to that Act and after some tyme of Consideracōn

Then came a Messenger from the lower howse & Question being then moved, whether in case any pson haue formerly surveyed land & obteyned Grant thereof from the Lord Prop^r & some other pson come afterwards the Surveyo^r not knowing
p. 182 the former Bounds of the land adjacent & runs his lines within the Lines of the Land formerly Granted and also obteyne Grant for the same from the Lord Proprieto^r whether the latter Pattentee shall by this Act hould the land soe by him Surveyed and Pattented ag^t the former Pattentee And the Vpper howse declared their Sence to be that by this Act the latter Pattentee shall not hould such land ag^t the former Pattentee And Question being further moved in case land be only surveyed and not pattented whether the Tytle of the first Survey shall exclude all after Surveys even though the latter Survey haue been prosecuted soe farr as to obteyne a patt^t vnder the Seale And the Vpper howse declared their Sence to be that the first Certiff^t being entred vpon Record shall exclude the latter Survey

though prosecuted soe farr as to obtayne a Grant vnder the great Seale this Act notwithstanding Prouided the pson that hath Interest in the first Survey haue not suffred the tyme (vizt) twelve moneths in which he ought by his lop^s Condiçōns of plantacōn to haue taken a Grant of the sd Land to be Elapsed.

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Then was read the Act for the Surveyo^r Generalls ffees.

Vpon Readeing the Act for depositing 20000^{li} ^{to b.} in the Leiu- tenn^t Generalls hands and finding itt to be for the managem^t of a warr or purchasing a peace with our Indian Ennemies inhabiting without the Province.

The howse judges itt that itt will not answe^re the End to which itt was designed & therefore referred itt to a Conference with both howses.

Vpon the Act for seateing all lands in Baltemore County The way p^rscribed in this Act for seateing plantacōns in Baltemore County is judged p^rjudiciall to the Jnhabit^{ts} of that County in as much as itt obliges them to keepe 3 Servants aboue 16 yeares old: vpon their plantacōns which many of them are not able to doe besides that they haue allowed to shorte a tyme to Seate in after the 25th March 1655 and an vnseasonable tyme of the yeare.

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The howse ajourned till to morrow
morning 9 of the Clock

Tuesday 29th Sept. 1663

Present as before Except M^r Bateman.

Then was read the Act to giue Smiths Execucōn for their debts: assented vnto.

Then was read an Act for proceedings att Lawe assented vnto.

Then was read an Act prohibiting tradeing & Gameing with Servants: assented vnto.

Then was read the Act for providing an Iron in each County for burning Malefactors: assented vnto.

Then was read an Act for the repeale of the second Branch of the Act made att S^t Johns 4th March 1647 by Thomas Greene Esq^r Governo^r Entituled an Act touching paym^t of debts: and Assented vnto.

Then was read an Act Enjoyning sherriffs to take Bayle. Assented vnto.

Then was read an Act for the p^rservacōn of Orphans Estates and assented vnto.

Then was read an Act for Amerciam^{ts} in the Pro^{all} and County Courts & Assented vnto.

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Then was read an Act for the Rule of Arrests and Sumōns &c. & assented vnto.

Then was read an Act ag^t Exportacōn of wooll & old Iron & assented vnto

Then was read an Act for Repeale of a Clause of an Act made the 23th Oct. 1640 by Leonard Calvert Esq^r Leiutenn^t Generall Entituled an Act for Servants Clothes & assented vnto.

Then was read an Act for the Administracōn of Justice. Assented vnto.

Then was read the Act for the Surveyo^r Generalls ffees. Assented vnto.

p. 184 The Vpper howse upon a Review of the Act for Killing wilde Cattle thinke itt fitter to repeale the whole Act then to lett itt pass without the words (vizt) with lycence from the Leiutenn^t Generall & that they be desired to drawe vp an Act for the Repeale of itt.

Vpon the List Called the tytles of certaine acts to be drawne vp by the vpper howse was endorsed (vizt)

As many of these Acts as the lower howse thought fitt to drawe are already drawne.

M^r Henry Sewall was sent to the lower howse with all the Acts assented vnto by this howse & the other papers.

Vpon readeing the act Entituled an Act that Roaneoake shall pass currant vnder the vallue of 300^{li} Tobacco,

Ordered that the lower howse be desired that in steed of these words in the Act (or the vallue thereof in Tobacco these words be incerted or 3^{li} of tobacco.

(Then Came M^r John Bateman.)

Then came a Message from the lower howse And desired that since the Act Entituled an Act for Addition too and Amendm^t of the Sec^{rys} fees was Rejected by the Major Vote of this howse, they desired that the Act made the last Assembly Entituled an Act Concerning the Secretary and addicōn to his ffees might stand and be in force as itt is. Resolved that itt be putt to the vote whether the Act made the last Assembly Entituled an Act concerning the Secretary and addicōn to his fees shall stand & be in force as itt is or not

Resolved vpon the Question

M^r Whites opinion is that itt pass.

The Chancellors opinion is that itt ought not to Continue as itt is.

M^r Lloyds opinion not to Continue as itt is

M^r Brooke not to Continue as itt is

M^r Coursey not to Continue as itt is

M^r Bateman not to Continue as itt is

The Gouverno^r that itt Continue
The Secretary that itt Continue

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Then was read an Act for Seateing all lands in Baltemore County and Assented vnto. p. 185

Then was read an Act providing w^t shall be good Evidence. That whereas the Assembly hath past an Act for a publick Notary and desired that full Credence might be giuen vnto him in all forreigne parts: Jtt were too vnreasonable to deney to give Credence to publick Notaries which are beleuiud in all pts. of the world besides that the Act deneyes Credence to be giuen to Coppyes of deedes how authentickly soever proved and therefore judge itt fitt to waue the s^d Act for the reasons alledged and diuers other Inconueniences that may follow vpon itt.

The howse ajourned for an houre

And the howse mett againe

Vpon the mocōn of Thomas Notley the Attorney of Cap^t Thomas Cornwallis to haue this howse pceed to Judgem^t in the Errors assigned by him the said Notley inter Causa Cornwallis et Nicholls vpon defaulte of the s^d Nicholls not appeareing yesterday to pleade to the s^d Errors according to the order of this howse. This howse doth declare that the Errors assigned by Thomas Notley Attorney of Cap^t Thomas Cornwallis are such that the Cause ought to be tryed againe and therefore order that the whole Cause be tryed againe att the Pro^{all} Court sitting as a Courte of Chancery. on the 8th of Decemb^r next.

The howse ajournes till 9 of the clock
to morrow morning

Sept^r 30th 1663

Present all as before.

Then went the Secretary to the lower howse with the Act entituled an Act for providing what shall be good Evidence.

Was taken into Consideracōn the petⁿ of Thomas Tayler p. 186
Cuthbert ffenwick W^m Mills and John Bogue as Guardians to the Orphans of ffenwick And the howse judged the Act in that petⁿ desired needles in as much as the will of M^r W^m Eltonhead is Confirmed by the Act for Quietting possōns.

Then came an Act from the lower howse for the Repeale of the Act Entituled an Act for killing wilde Cattle which was assented vnto.

Then came an Acte from the Lower howse for vnruely Servants.

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And the howse ajourned

And the howse mett againe

Vpon readeing the Act prohibiting tradeing and Gameing with Servants the howse ordered itt to be Endorsed on the back thereof thus (vizt)

This Act is mistaken for this howse never thought fitt to allowe that power to any one pson to fine or sett in pillory. But that itt ought to be done by the Pro^{all} or some County Courte

Ordered that John Gittings Clk of this howse ingrose all the Acts over soe soone as possibly he can.

The howse Ajourned till 9 of the
Clock in the morning

Oct. 1^o 1663

Present as before

Vpon the petⁿ of Thomas Gerrard for a Scire facias.

Ordered that a Scire facias be granted to Tho. Gerrard according to the petⁿ

Vpon the Compt of James Jolly that his booke of Acc^{ts} is just now stolne away.

Ordered that James Jolly make search p^rsently for the s^d booke & that all psons in or ab^t the howse now, are Comanded not to depte the howse till Search hath been made.

Ordered also that George Reynolds vnder sherr. shall search any pson or psons whatsoever as the s^d James Jolly shall appoynte for the finding of his booke againe. Att the Request of the lower howse the Leiutenn^t Generall remitted a fine of 5000^h tob to Thomas Jnnis

p. 187 A Messenger from the lower howse came & desired to knowe whether any pet^{ns} Concerning the publick Charge were remayning in the Vpper howse and that they will be pleased to send downe such Charge Whereupon the Vpper howse sent downe this following Acc^t An Acc^t of what charge is due for a Boate & hands to carry the Governo^r and Secretary downe to Patux^t

To M^r Wells for his Boate

090

To 4 men 3 dayes att 20^h p day

240

330

M^r John Bateman for provision in the sloop }
in his lōp^s last Voyage vp the Bay }
The Charge of the Vpper howse this Assembly

650

2200

The Clk of this howse to have as much as yo^r allowe the
Clk of yo^r owne howse
The doore Keeper of this howse also the same as yo^r owne

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Ordered that this Acc^t be sent to the lower howse.

The howse ajourned till
two of the Clock.

And the howse mett againe

Then came from the lower howse these reasons following
which they desired might be putt vpon Record in case this
howse thought not fitt to pass the Act for Secretarys fees.

The heads of reasons of the lower howse of
Assembly why the Act for Secretarys
ffees should pass.

As to the 12^d p pole, the Assembly haueing seriously Con-
sidered the small proffitt of the Secretarys place by reason of
the little Quantity of land that remaynes vnpatented which
they Conceiue was the cause of the last Assemblyes passing
that Act therefore doe thinke itt very fitt Jtt be Continued &
the rather because the respectiue Masters haue rec^d the said
12^d p pole in England which wee must Confes would looke very
strange & savor not a little of Injustice to take of what is given
for the support of his Lop^s Officers and giue itt to the Masters
of ships, And as for all the other ffees conteyned in the s^d Act.
Wee who are the Representative of the people conceiue them
not att all burthensome to the people of this Province, nor any
way Extravagant by reason of the greate trouble the Secretary
is att in his frequent goeing aboard the respective Vessells in
doeing his duty w^{ch} by his Office he stands obliged too, there-
fore if the Act which this howse p^rsented to the Vpper howse
Entituled an Act for addicōn to & Amendm^t of that Act for
the Secretarys fees may not pass. p. 188

Wee desire the Act made last Assembly may Continue &
remayne in force as itt is without any Amendm^t or Alteracōn.

After readeing of these reasons the opinion of the Major pte
of the howse was, that the Act for the Secretaryes ffees aboue
mencōned ought not to pass.

The howse ajourned for 2 houres

And the howse mett againe & ajourned till to morrow 8 of
the Clock

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Oct. 3^d

Present as yesterday except M^r Coursey

The Vpper howse sent to the lower to desire to knowe what they had done Concerning the Stint or drawing up reasons why they could not consent to itt, if they had not Consented, And they returned answere they had drawne vp reasons & sealed them up in a paper to be dd the Leiutenn^t Generall by him to be sent to the Lord Proprieto^r. And that if the Leiutenn^t Generall pleased he might shew them to the howse. But sent not the reasons.

Then were sent to the lower howse these Acts following.

p. 189 An Act Entituled an Act for the Explanacōn of that Clause in an Act made by Cap^t W^m Stone touching hoggs and marking of Cattle

An Act Concerning proceedings att Lawe and the Act concerning paym^t of debts due by Bill.

And they returned answere (vizt)

The lower howse doe Conceive the former lawes to be full & sufficient in themselves & are not willing to spend tyme in makeing any Alteracōn

An Act for publishing a List of the lawes in force was first tendred by the lower howse and afterwards att their request waved rather then they would spend tyme about itt

Att a Conference with both houses the Leiutenn^t Generall desired of the Speaker the reasons of the Lower howse Concerning the Stint

Whereupon the Speaker deliuered them sealed up to the Leiutenn^t Generall with the humble request of the Lower howse that they might be sent to his Lōp and not be broke open till the lower house were dismissed. After which they departed

Then came a Messenger from the lower howse and desired to haue the reasons of the Stint & the papers inclosed therewith returned them. But the Leiutenn^t Generall haveing broke open the papers was reading the reasons & returned the inclosed papers only & kept the reasons.

The Leiutenn^t Generall was pleased to give the Clke of this house a hhd of tobacco & the Chancellor alsoe was pleased to giue the same & the rest of the gent 200^t Tobacco a peece out of their owne purses for his paines taken in transcribing the Lawes.

p. 190 Then came the lower howse & the lawes being read the Leiutenn^t Generall gaue his Consent to them in these words The Lord prop^r willeth that these be lawes after which the Leiutenn^t Generall ordered the Reasons drawne vp by this house be delivered to the Speaker to be Considered on After

w^{ch} the Speaker returned into the Vpper house & desired their reasons might be sent to the Lord Prop^r and sayd that if the Leiu^tenn^t Generall pleased he might yeild the reasons of the Vpper howse S^r W^m Berkeley and the Govern^t of Virginea but that they should stick to their owne reasons or words to that Effect.

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After which the Leiu^tenn^t Generall ajourned the Assembly till the first Tuesday in September 1664.

Acts made att the Generall Assembly Begun att S^t Maryes the fifteenth day of September Annoq. Domini one thousand six hundred Sixty three in the two and thirtieth yeare of the Dominion of the Right Hon^{ble} Ceecilius Absolute Lord Proprietary of the Provinces of Maryland and Avalon Lord Barron of Baltemore &^{ca} And there Continued till Saturday the third of October following & thence adjourned till the second Tuesday in September 1664.

Liber
W H & L
p. 26

An Act Prohibitting Arrests upon the Sabbath dayes and dayes of Generall Musters & Trayning

Whereas Itt hath been the frequent practice of Sherriffes and other (persons) officers for their owne ease and Benefitt to re-payre to the Churches and other places of Publick meetings upon the Lords day Commonly called Sunday as alsoe vnto the vsuall places of Mustering and Trayning for millitary affayres on purpose to Serve Warrants and Execucōns and other writts by which meanes men in danger of Arrests haue been deterred from the Service of God & the Lord Proprietary of this Prouince. Bee itt therefore Enacted by the Lord Proprietary by and with the Assent of the upper & Lower house of this Generall Assembly That noe Sherriffe or his officer shall from henceforth Execute any writt or warrant upon any person or persons within this Province either vpon the Sabbath day or upon Any Trayneing Mustering dayes for millitary Concernment or Ellection of Burgesses Prouided allwayes that itt shall and may be Lawfull for the Sherriffe or any other officer to apprehend and Carry to prison any person or persons for Ryotts felony or Suspiciō of Fellony or for Escapes out of Prison when under Execution upon any day att any place any thing in this Act to the Contrary Notwithstanding Pro-vided alsoe that it may be Lawfull for any Sherriffe to Arrest any person or persons att a Mustering day that is not bound

p. 27

Liber
W H & L

to Attend that Muster there to Execise and Trayne And this Act to Continue for three yeares or to the End of the next Generall Assembly.

An Acte for Amerciaments in the Prouinceall & County Courts.

Whereas many suites are Rayased upon frivolous occasions by letigeous persons for prevention thereof for the future Bee itt Enacted by the Right Honnourable the Lord Proprietary by and with the Consent of the vpper and lower house of this present Generall Assembly that all persons whatsoever that are Cast in any cause be they p^l or Def^t shall be amerced (besides the damages and Cost to the Recoverourr) fffty pounds of Tobacco in the Provinciall Court to be employed as the Gouvernour and Councell shall thinke. And in the County Courts thirty pounds of Tobacco to be Employed as the Comissioners shall thinke fitt For the due Collecting whereof Bee itt Enacted by the Authority aforesaid that the Clarke of the Provinciall Courte and the Severall County Courts keepe an Exact Accompt of the Amerciaments and deliver or send the same to the Severall Sherriffes of the perticular Countyes who are hereby required to Collect the same with the Leavyes and are accordingly Impowred for default of Payment to make distresse and Comanded not to Returne any Arreares (Executors & Administrators who cannot pay without orders alwayes Excepted) And be itt further Enacted That the Clarkes of the Respective Courts shall give vnto the Cheife Judge of every Court a list of the Amerciaments that Court Imposed this Act to Continue for three yeares or to the next Generall Assembly

An Act for the Repeale of an act made Anno 1661 Entituled
an Act Concerning killing wild Cattle

Whereas Sundry Inhabitants of this Province finding themselves much agrieved being Restrayned by vertue of that Act made att St Johns the Seventeenth of Aprill one thousand Six hundred Sixty one by Phillip Calvert Esq^r intituled an Act Concerning killing wild Cattle whereby all persons haveing any marked Cattle amongst wild Gangs cannot presume to kill their owne marked Cattle att any tyme of the yeare for their owne Conveniencie Doe therefore pray that itt may be Enacted And Bee itt Enacted by the Right hon^{ble} the Lord Proprietary by and with the Consent of the vpper and Lower house of this present Generall Assembly That that Act Concerning killing wild Cattle be and is hereby vtterly Repealed for ever

An Act Concerning Proceedings att Law

Liber
W H & L
p. 28

Whereas Severall differences doe, arrise within this Province wherein there is noe Rule or Law provided in the Province whereby to determine such differences and to leave much to discretion is to open a Gapp to Corruption for the avoyding such Inconveniencies Bee itt Enacted by the Lord Proprietary by and with the Consent of the upper and Lower house of this present Generall Assembly that in case where the Lawe of this Province is Silent Iustice shall be administred according to the Lawes of England This acte to endure for three yeares or to the end of the next Generall Assembly.

An Act for the Quietting of possess^s
of Lands and establishing the manner
of Conveyances of Lands for the future.

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The Burgesses of this present Generall Assembly takeing into their serious consideracōn the great neglects of most persons in the infancy of this Plantacōn who either through the innocence or ignorance of the time have neglected to observe due order or legall course for the confirmacōn of such sales & alienacōns of howses and lands as have passed from man to man of which negligence some evill disposed persons takeing advantage have already raised divers suits at law and obteyned judgments to the disherison of the Heires and Orphans of divers purchasers who have deerly and bona fide bought and paid for the same for the said lands and many more by the successe of the former are encouraged to attempte the like doe humbly pray that itt may be enacted And be enacted by the R^t Honno^{bles} the Lords Proprietary by and wth the consent of the upper & lower howse of this present genāll Assembly th^t all persons whatsoev^r th^t either by th^m selves or by their Grantees or Assignes have held possessed occupied or Enjoyed as in his or their propper Right in Fee simple any howse or Lands within this province, whether by purchase and payment bona fide made Donacōn Copartn^rshipp or bequest Whether by will written or vnwritten, by vertue of Lr^{es} of Adm^{con} haveing as Adm^{rs} paid beyond Assettes and appraised the Lands of the deceased & deliv^red itt in the Inventory of the de^{cd} his Estate att or before the first day of this p^rsent genāll Assembly wthout disturbance, Lett, Suite or denyall legally made & p^rsented to Judgm^t in Some Co^{rt} of this p^rvince shall for eve^r after Enjoy the same wthout any lawfull Lett suite trouble or denyall by any after Claime of any p^rson or p^rsons whatsoever for or by reason of want of Formality in the Conveyance only or want of any Conveyance att all any Lawe Custome or vsage

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to the Contrary Notwthstandinge. And for the establishing a rule for all conveyances for the future Bee itt Enacted by the Authority afores^d, th^t noe Estate of Inheritance of any howses or Lands shall pass but by Deed in writing in w^{ch} the Habendum shall Lymitt the Estate in these or the like words (viz^t) To haue and to hold to the Grantee & his heires for ever, If they intend an Estate in Fee Simple, or to haue and to hold &c. to him & the heires of his body or to him & the heires male of his body respectively if they intend an Estate in Fee Tayle gen^{all} or Fee Tayle speciall respectively (Except in Lands given by Last Will & Testam^t, in writing in w^{ch} any words amounting to or signifying as much as the former shall accord to the Law & Custome of England be sufficient to vest an Estate in Fee Simple or Fee Tayle Respectively in the Devize.

And bee it further enacted by the Lord Proprietary by & wth the advize & Consent of the vpp^r & Lower howse of theis Assembly That for the Tyme to come noe Manno^{rs} Lands Tenem^{ts} or other hereditam^{ts} shall pass alter or change from one to another wthin this p^{vn}ce whereby an Estate of Inheritance or Freehold shall be made or take Effect in any p^{son} or p^{sons} or any vse thereof to be made by reason only of any bargayne & Sale thereof except the s^d bargayne & Sale be made by writeing Indent^{ed} Sealed & enrolled in the Pro^{all} Co^{rt} of this p^{vn}ce or else wthin the same County or countyes where the same Manno^{rs} Lands, Tenem^{ts} or hereditam^{ts} (soe bargayned & Sold) lye & be before the Commiss^{rs} of each respective County Co^{rt}. And the Clke of the Courte for the Tyme being in Co^{rt} sitting & the same Enrollm^t to be had & made wthin six Moneths next after the date of the said wryting Indented, And th^t such Clke of the Co^{rt} for the Tyme beinge wthin eūy such County shall sufficiently Enroll & Ingrosse the same Deeds & writings indented as afores^d, And the Rolles thereof att the end of eūy yeare shall bee by him returned into the Secretary's office of this p^{vn}ce there for ever to remayne to the intent th^t any p^{son} haveing to doe therewth may thither resorte & soe the Effect & Tenor of eūy such wryteing soe enrolled as afores^d Provided that this Lawe nor anything therein contayned barre not the Lord Proprieto^r nor his heires for their clayme to any Lands in this p^{vn}ce not held by Pattent vnd^r the greate Seale of this Province.

The Low^r howse have Assented
W^m Bretton Clke

The vpp^r howse
have assented
John Gittings Clke

An Act concerning English Serv^{ts}
th^t Runn away in Company of
Negroes or other Slaves.

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Whereas div^{rs} English Serv^{ts} Runn away in Company wth Negroes & other Slaves, who are incapeable of makeing Stisfaccōn by Addicōn of Tyme Bee itt enacted by the R^t Hon. no^{rb}le the Lord Proprietary by & wth the consent of the vpp^r & low^r howse of this p^rsent gen^{all} Assembly th^t any English Serv^t or Serv^{ts} th^t shall run away in the Company of any Negroe or other Slaves shalbe able to pay either Singly or pporconably if more then one all such Just Dammage to the owners or Mast^{rs} of the same as shalbee made appeare before any Co^rt of Record in this pvince

The vpp^r house have Assented
John Gittings Clke

The Low^r howse have Assented
W^m Bretton Clke.

An Act Imposeing a Penalty on
all such who shall dispose of Tobacco
seized & recd by the Sherriffe or oth^{rs}

Whereas divers & great greivances have happened within this Province through the many cheates & deceipts th^t many have vsed in disposeing of & alte^ring the markes & Quallities of Tobacco after the sayde Tobacco hath been seized and received by the Sherriffe either for Fynes, Leavyes or his Lo^{pps} Rente or hath beene payd away to Merchants or others & by them marked & received whereby both the Publique hath been much abused and wronged and many private psons have rec^d great damages in their sayd Goods Bee it therefore Enacted by the Lord Proprietary by & wth the consent & Advice of the vpp^r & low^r howse of this p^rsent gen^{all} Assembly th^t what pson soever shall dispose of any Tobacco or other Goods Seized on or rec^d by the Sherriffe for Fynes Leavyes or his Lo^{pps} Rent or other Publique offic^r ffees or th^t shall alte^r or Scratch out the markes of any Tobacco soe rec^d or th^t shall alter or change the Quality of any Tobacco soe rec^d or by any Mercht or other rec^d either by vncaseing or otherwise shalbee lyable being convicted by confession or sufficient Witnes in some Co^rt of this pvince to restore foure fold to the pty greived & to stand in the Pillory two full ho^{rs} dureing the Co^rt tyme wth his offence fairely written in a peece of pap & placed vppon his backe.

The vpp^r howse have Assented
John Gittings Clke

The low^r howse have Assented
W^m Bretton clke.

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An Act for a Prison at St Mary's.

Whereas divers Inconveniencies have hapened wth in this pvince through the want of places for the Secureing offend^{rs} w^{ch} being Seriously thought vppon by the Burgesses of this p^rsent Assembly they doe pray th^t itt be Enacted And be itt Enacted by the Lord Proprietary by & wth the Consent of the vpp^r & Lower howse of this p^rsent Assembly th^t A Logg howse be built Twenty foot Square at St Mary's vppon the Counteyes Lands for a Prison in the yeare 1664 & then Two Thousand pounds of Tobacco to bee payd for the same out of the Country Leavyes th^t Yeare.

And bee itt furth^r enacted by the Authority aforesaid th^t a Pillory Stockes & Duckinge Stoole be erected by the said Prison at the Publique Charge of the whole province And th^t the Sherriffe of St Mary's County bee hereby Impowrd to see this Act performed and vppon defaulte therein shall fforfeite ffive hundred pounds of Tobacco to be p^d to the Lord Proprietary

The vpp^r howse have Assented
John Gittings Clke

The low^r howse have Assented
W^m Bretton Clke

An Act for Erecting a Pillorye Stockes & Ducking Stoole in every County of This Province.

The Burgesses of this present generall Assembly takeing into their serious consid^racōn the many Misdeameano^{rs} w^{ch} are Incid^t to happen in this Province And being destitute of places of Correcōn for such offend^{rs} many of them doe escape wth out due Correccōn according to the Demerite of their offence Bee itt therefore enacted by the Lord Proprietary wth the Advice & Assent of the vpp^r & low^r howse of this present genall Assembly th^t a Pillory & Stockes bee sett vpp att every Co^{rt} howse in each respective County & a Ducking Stoole in the most convenient place of the County att the Charge of each County, And the Com^{rs} of every County not causeing such Pillory Stockes & Ducking stoole to be sett vpp wth in six months after the Publicacōn thereof as is p^rvided in this Act shalbee fyned in the sume of one Thousand pounds of Tobacco to the vse of the Lord Proprietary & his heires Provided th^t this Act or anything therein conteyned do not extend to Baltimore County or to Talbott County th^t such Pillory Stockes or Ducking stoole be

sett vpp in either of the said Countyes till a further Settlem^t of
the said Countyes

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The vpp^r howse have Assented
John Gittings Clk

The low^r howse have Assented
W^m Bretton Clke.

An Act for the Continuance of
An Act Intituled An Act of Gratitude
for the Lieuten^t Gen^{all}

Whereas the Burgesses of this present gen^{all} assembly weighing & considering amongst themselves the great probability of the small Quantity of Tobacco which will through the unseasonableness of the Summer past be made in this province whereby the Inhabitants of this p^{vince} will be very much necessitated to discharge their former Obligac^ōns and provide for their future Subsistance & Defraying of their Publique Leavyes for this present yeare whereby they will be much disabled for the present to make any further Addic^ōn vnto the said Act of Gratitude as to an Augmentac^ōn thereof w^{ch} they are really willing & free to doe & grant would the Condict^ōn of the Province att this tyme beare itt. wherefore they doe humbly pray th^t the twenty five pounds of Tobacco p^p pole imposed by the aforesaid Act on all Taxable p^{sons} within this province to be pay^d vnto the p^rsent Lieuten^t gen^{all} Charles Calvert Esqr. may be by him accepted And doe further pray th^t itt may be enacted by the Lord Proprietary by & wth the Assent of the vpp^r & low^r howse of this present gen^{all} Assembly. That th^t Act Intituled An Act of Gratitude for the Lieuten^t gen^{all} be & Remayne in force to the propper vse & benefit of Charles Calvert And to Endure for three yeares or to the end of the next gen^{all} Assemplye.

The vpp^r howse haue Assented
John Gittings Clke

The low^r howse haue Assented
W^m Bretton clke.

An Act for Providing Irons
in each County for burning Malefacto^{rs}

Bee itt enacted by the R^t Honno^{ble} the Lord p^prietary by & wth the consent of the vpp^r & Low^r howse of this p^rsent gen^{all} Assembly th^t the Com^r of each County Co^rt provide an Iron for the burning of Malefacto^{rs} wth the Lre R. & anoth^r wth the Lre H. & th^t vpon penaltye of ffive hundrd pounds of Tobacco to the

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Lord pprieto^s in case such Irons be not pvided wthin Six months after the Publicacōn of this Act.

The vpp^r howse Assented
John Gittings Clke

The low^r howse Assented
W^m Bretton Clke.

An Act for Repeale of the
Second Branch of the Act made att
St Johns 4th March 1657 by Thomas
Greene Esq^r Gov^rno^r Entituled an
Act touching paym^t of Debts.

The Burgesses in the p^rsent genāll Assembly takeing into their serious Consideracōn the great hind^rance of Trade arising from th^t Branch of the Act Entituled an Act touching paym^t of Debts by which noe debts are recou^rable ag^t dead mens estates doe pray th^t itt be enacted by the Lord Proprieto^r by & wth the consent of this p^rsent genāll Assembly That th^t Second Branch bee & is hereby repealed. And th^t for the future all debts not aboue nine months standing be recou^rable ag^t dead mens estates

The vpp^r howse have Assented
John Gittings clke

The Low^r house have Assented
W^m Bretton clke.

An Act Enjoyning Sherriffes
to take Bayle

Whereas itt hath been obserued th^t some Sherriffes for want of takeing sufficient Bayle of certayne p^rsons arrested those p^rsons soe arrested & not putting in Bayle either neglect to make their appearance in p^rson in Court as they ought or else doe before the Court convey themselves out of the p^rvince whereby the Accōn commenced cannot be brought to hearing much to the Losse and Detryem^t of the Credito^rs Bee it therefore enacted by the Lord Proprietary wth the Assent of the vpp^r & Low^r howse of this genāll Assembly That all Sherriffes shall take Sufficient Bayle of all p^rsons Arrested to appear att the Co^rt day of the Returne of the writt when the Cause shalbee called & then & there abide Iudgm^t And if the Sherriffe shall neglect to take sufficient Bayle of the p^rty arrested or otherwise consent to be the cause of his escape then the Sherriffe shalbee lyable to pay & Satisfye such Judgment of Co^rt himselfe And shall

alsoe pay (in case the consent of the escape bee proved) one Thousand pounds of Tobacco one halfe thereof to the Lord Proprieto^r & his heires & the other halfe thereof to the pty greived for his being delayd in Recou^y of his Debt if Bayle be taken and the pty appeare not to answere the suite then Judgm^t shalbe awarded ag^t the Bayle alwaies provided th^t the Sherriffe or Bayle (if eith^r of them desire itt) haue an Attachm^t ag^t the Estate of the pty arrested & not appeareing whereby to bring him to tryall any law or custome of this province to the Contrary hereof notwthstanding And further if the Sherriffe or Bayle shall the next Co^r^t after th^t to which the Arrest was made bring forth the body of the pty soe arrested to answer the suite then the Sherriffe or Bayle shalbee acquitted from the Judgm^t passed ag^t th^m. This Act to endure for three yeares or to the end of the next genall assemblye.

The vpp^r howse have Assented
John Gittings clke.

The Low^r howse have Assented
W^m Bretton clke.

An Act to give Smiths Execucōn for their Debts.

Bee itt enacted by the R^t Honno^{ble} the Lord Proprietary by & wth the Assent of the vpp^r & Low^r howse of this p^rsent genall Assembly That all Smiths Debts either vppon Bill or Account vnd^r hand writeing & witnes shalbe leavyed by way of Execution by the Sherriffe after Demands made & refuseall of paym^t Provided the said Sherriffe be thereunto authorized by an Execucōn signed by the Lievten^t genall or other Cheife Judge thereunto authorized in the Respective County Provided alsoe th^t a bill vnder hand wryting & witnes from such Smith wth out further Suite shalbee allowed in discount to any bill vnder hand wryting and Witnes due to such Smith vpon Execucōn And all Acco^{ts} vnd^r hand writing without witnes shalbee allowed of in discount ag^t any such Smith Acco^{ts} vnd^r hand wryting wth out Witnes This Act to continue for three yeares or to the end of the next genall Assembly

The vpp^r howse have Assented
John Gittings Clke

The low^r howse have Assented
W^m Bretton clke

An Act for the Preservacōn of Orphans Estates.

Forasmuch as the last law touching Orp^{hans} Estates made att the Assembly held att S^t Leonard hath only Determined what

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Co^{ts} shall take Care of Orphans Estates but hath assertheynd noe rule by w^{ch} the Co^{ts} shall proceed in the preservacōn of the said Estates Bee it Enacted by the R^t Honno^{ble} the Lords Proprietary by & wth the Consent of the vpp^r & low^r howse of this p^rsent genāll assembly That all Wills & Testam^{ts} be firm & inviolable vnlesse the Execto^{rs} or Overseers doe refuse to execute the Trust Reposed in them by the Testato^{rs} in w^{ch} case the Co^t may appoynte others to Act according to the will But if the said Will be soe made th^t noe pson will vnd^rtake the managing of the Estate or Educacōn of the Orphans according to the Tenor of itt Then th^t the Estate by the Appoyntm^t of the Co^t shalbee managed according to these following Rules w^{ch} shalbe Rules alsoe for Order^{ing} the Estate of psons intestate Vizt.

ffirst th^t noe Acco^t be Allowed for Dyett Clothes Physicke or else ag^t any Orphans Estates but they be Educated & Provided for by the Interest of the Estate & Encrease of their Stocke accordinge to the pporcōn of their Estates, if itt will beare itt But if the Estate be soe meane & in Considerable th^t itt will not extend to a Free Educacōn That itt is Enacted th^t such Orphans shalbe bound Apprentices to some Handicraft Trade or other pson att the discretion of the Co^t vntill one & Twenty yeares of Age Except some Kinsman or Relacōn will mayntaine them for the Interest of the sole Estate they haue without Dimunicōn of the Principall w^{ch} whether great or small shall allwayes be Delivered to the Orphans att the yeares Appoynted by Lawe.

That all Cattle Horses & Sheepe be returned in kind by the Guardians according to Age & numb^r when as here s^d them. And because severall had before the makeing of this Act, Estates of Orphans in their hands, w^{ch} they kept for the male encrease And giving the yearly Acco^t of the Augmentacōn or Dimunicōn of the Orphans Stocks w^{ch} by Carelessness or Wickednes of the Guardians was vsually Consumed before they came to Age & dispute thereupon arise in the Seūall Co^{ts} how such psons should be pceeded wth, & Acco^{ts} of Orphans Estates how to be given them Jtt is hereby declared th^t all psons possess'd of Orphans stocks before the makeing of this Act shall be bound to Deliv^r to the Orphan when he comes to Age such & soe many of any kind as he is possessed of when he gives his Acco^t to the next Orphans Co^t Succeeding the Publicacōn hereof.

That all plate & money be p^rserved & delivered in kind according to the weight & Quantity th^t other howsehold Stuffe & Lumb^r be appraysed in money & the vallue thereof payd by the Guardian to the Orphan when he comes to Age in the Country Commodities att the price his Lo^{pps} Recev^r Genāll receives them for his Lo^{pps} Rents.

That the Co^t take able & sufficient Security for Orphans Estates & enquire yearely of the Securitie And if the Co^t see cause to haue itt changed & called in & placed as the Co^t shall thinke ffitt The said Co^t to Enquire alsoe whether the Orphans be kept mayntayned & Educated according to their Estates And if they find any notorious defect to remove the Orphans to th^r other Guardians, And alsoe for those th^r are bound Apprentices to change their Mast^{rs} if they vse them rigorously, or neglect to teach them their Trades That noe more be allowed to Guardians for collecting debts due to any Estate then Tenn in the Hundrd the vsuall allowance of Merch^{ts} to their Facto^{rs} & Attorneys

That 30^{lbs} Tobacco p day be Allowed to each Apprayso^r of any Estate (if they will take itt) & noe more

That noe Allowance be made by the Co^t of excessive funerall expences but th^a Regulacōn thereof be made according to the pporcōn of the Estate & the Quality of the pson This Acte to endure for three yeares or to the end of the next genall Assembly

The vpp^r howse have Assented

John Gittings clke

The low^r howse have Assented

W^m Bretton clke.

An Act ag^t Exportacōn of Wool & old Iron.

Whereas the Exportacōn of Wool & old Iron is genally conceited to be much prejudicial to the Comon wealth & good of this province Bee it therefore enacted & by the Lords Proprietary by & wth the Consent of the vpp^r & low^r howse of of this p^rsent genall Assembly That what pson or psons soever shall exporte or shipp on board & to the Intente to exporte out of this Country either Wool or Old Iron shall for every of their offences in soe doinge pay as followeth (viz^t) For every pound of Wool ffifty pounds of Tobacco & for every pound of Iron Tenn pounds of Tobacco the one halfe of w^{ch} sayd paym^t and forfeitures shall be payd to the Imform^r & the other halfe to the Lord Proprieto^{rs} And this Act to continue three yeares or to the end of the next genall Assembly.

The vpp^r howse have Assented

John Gittings clke

The low^r howse have Assented

W^m Bretton clke.

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An Act for the Repeale of a
Clause in an Act made the 23^d day
of Octob^r 1640 by Leonard Calvert Esq^r
Lieutenant Gen^ll of this Province
Entituled an Act for Servants Clothes.

The Burgesses in this p^rsent gen^ll Assembly takeing into their Consid^racōn the great Vexacōn & trouble w^{ch} the Inhabitants of this province are lyable vnto by reason of the Clause of An Act touching Fifty Acres of Land ffive whereof at Least to be plantable given by vertue of the said Act vnto all Serv^{ts} brought into this p^rvince whether men or women att the Expiracōn of their Service And the Inhabitants afores^d not being in Capacity to p^rforme th^t w^{ch} the said Act doth enioyne as to the Fifty acres of land when as the owners of such Serv^{ts} have only fifty Acres due & noe more for their Transport hither by vertue of his Lo^{pps} Condi^cōn of plantacōn now inforced. Doe therefore pray that itt may be enacted And be it enacted by the Lords Proprietary wth the Consent of the vpp^r & Low^r howse of this present Gen^ll Assembly That th^t Clause Injoyning fifty Acres of Land to be allowed to Servants att the end of his or their Service be & is hereby Repealed And th^t for the future there shall be nothing allowed to any Serv^t att the end or Expiracōn of his or their Service more then their Clothes, Howes, Axe & Corne as is p^rscribed in th^t sayd Act, And bee itt further Enacted by the authority aforesaid that noe Serv^t w^{ch} hath been free before the Publicacōn of this Act shall haue any benefitt of the clause of the Act hereby Repealed.

The vpp^r howse have Assented
John Gittings Clke

The low^r house have Assented
W^m Bretton clke.

An Act for the Adm^{con}
of Justice.

To the Intent Co^rt dayes may be Certayne and the Comm^{rs} wthin their Respective Countyes may know Justly when to attend Bee itt enacted by the Lords Proprieto^{rs} by & with the Consent of the vpp^r & low^r howse of the present Gen^ll assembly That for the future S^t Mary's & Baltemore County Courts shalbee held the first Twesday in Sept^r Nouem^b January March June w^{ch} shalbee held for the Orphans and the first Twesday in August for Anne Arundell & Charles Countyes the second Twesday in Septem^br Novemb^r January March June for the Orphans and the Second Twesday in August for Calvert County & Talbott

County the third Twesday in Septem^b Nouemb^r January March
June for the Orphans & the third Twesday in August for Kent
the last Twesday in Septem^r Novemb^r January March June for the
Orphans & the last Twesday in August And be itt further En-
acted th^t every Comm^r th^t shall not appeare att the tyme aboue
mencōned & att the vsuall place appoynted in their Respective
Countyes shalbe fyned one hundrd pounds of Tobacco for &
towards the building of Stocks Whipping Posts & Pillory for
the Execucōn of Justice vnlesse such Comm^r or Commiss^{rs} shall
show good cause to the Contrary to be allowed by the Majo^r vote
of the Com^{rs} att the next County Co^{rt} And this Act to con-
tinue for three yeares or to the end of the next genāll Assembly.

The vpp^r howse have Assented
John Gittings Clke

The low^r howse have Assented
W^m Bretton clke.

An Act for the Leavyeing the Surveyo^r Gen^lalls Fees.

Whereas In the Act for the Surveyo^r gen^lalls ffees made by
Cap^t W^m Stone 11th March 1650 itt is not expressed whether
the Surveyo^r gen^lalls ffees be vpon execucōn yea or not Bee itt
enacted by the R^t honno^{ble} the Lords Proprietary by & with the
advice & assent of the vpp^r & low^r howse of this p^rsent Assem-
bly That all Fees w^{ch} are become due since the Last Day of
Aprill last past or w^{ch} shall hereafter become due to the Sur-
veyo^r gen^l according to the said Act shall or may be Leaveyed
by way of Execucōn And bee itt further Enacted th^t the Sur-
veyo^r gen^l or his deputy shall keepe a booke of all the Sur-
veyes th^t they shall make within this province respectively And
the said Booke if kept by his Deputy shalbee yearly returned
to the Surveyo^r gen^l And in case the Surveyo^r gen^l or his
Deputy shall neglect to keepe such Booke as afores^d whereby
any p^{son} w^{thin} this province shall suffer Damage by the Losse
of his land Surveyed or otherwise Bee it further enacted th^t
the sayd Surveyo^r Gen^l or his deputy in whome the Defaulte
shalbee found to bee shalbee lyable to satisfye all such Dam-
ages as shalbee Adiudged ag^t him in the Pro^{all} Co^{rt} in w^{ch} Co^{rt}
only the said Damage shalbee tryed And the Avoyding of all
contests betweene the Surveyo^r & the people of the Province Bee
itt Enacted th^t the Surveyo^r shall before he demand his ffees be
bound to deliv^r the Certif^{te} of Survey to the p^{tyes} for whome he
surveyed the Lands And th^t the said p^{tyes} shall deliv^r the Cer^t

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into the office And this Act to endure for three yeares or to the end of the next genall Assembly

The vpp^r howse have Assented
John Gittings Clke

The low^r Howse have Assented
W^m Bretton clke.

An Act for the Rule of Arrests &
Sumōns for Witnesses by all Sherriffes
& a Rule for Entring Accōn & fyleing
accōns & Peticōns.

Bee itt Enacted by the Lord Proprietary by & with the Assent of the vpp^r & low^r howse of this genall Assembly th^t all Accōns Commenced in any Co^rt of this province & Supenas for witnesses be first entered wth the clke of such Co^rt either Pro^{all} Courte or County Co^rt where such Accōn is Depending before any Writt or Sumōns taken out and th^t the Respective clke of such Co^rt shall before the writte be directed to the Respective Sherriffe for the Securing of them signifye by his or their Subscripcōn vnd^r the sayd writte entred And all Sherriffes who shall presume to serve or execute any writt Sumōns or proces Contrary to the Tenor of this Act shall fforfeite vnto the Lord Proprietary of this or his cheife Govern^{or} for the Tyme being five hund^d pounds of Tobacco vpon complaynt thereof made vnto the County Co^rt or Co^rts where such Missdemeano^r in the Sherriffe shall bee or happen. And bee itt further Enacted by the Authority afores^d th^t all ptes in any Co^rts of this pvince where their suite shall depend shall at Leaste 3 dayes before the Co^rt sitting fyle his accōn or peticōn to the end the Defend^t may have a Coppy thereof & provide his Answere or defence accordingly att his pleasure And all accōns not entred & fyled according to the true Teno^r of this Act shallbee by the cheife Judge or Commiss^r of each Respective County Co^rt vppon calling of such Accōns in Co^rt nonsuited if the Defend^t clayme the benefitt of this Act And this Act to Continue for three yeares or to the end of the next genall Assembly.

The vpp^r howse have Assented
John Gittings clke

The Low^r howse have Assented
W^m Bretton clke

An Act for Appoynting a Publiq^e
Notary.

The Burgesses of this p^rsent genall Assembly observing th^t little regard or Creditt hath been vsuall in form^r Tymes given

to Publiq^e Instrum^{ts} As Protests Certificates & Coppys of Records sent out of this province into Forreigne Precincts for want of a Publiq^e Notary Authorized for th^t end And conceiving it necessary th^t such an officer be appoynted whereby such Instruments as afores^d maye pass with great^d Credence both in fforreigne prec^{ts} & att home amongst the People of this Province Bee itt enacted by the R^t honno^{ble} the Lord Proprietary by & wth the Assent of the vpp^r & Low^r howse of this p^rsent gen^{all} Assembly That the Secretary of this province for the Tyme being be hereby appoynted & authorized to be the Publiq^e Notary of this Province And th^t he be sworne by the Lieuten^t Gen^{all} for the tyme being for th^t end and purpose To the end th^t all p^{sons} who shall desire any publiq^e or private Instrum^t in wryteing to be Attested may to him Repayre whoe is hereby enjoyned to give Attestacon there vnto as in such cases Publiq^e Notaryes in England vse to doe, And th^t the Attestacōns may beare the greater Credence he shall cause the Lesser seale of this Province to all such Attestacons by him made to be therevnto Affixed vnto whose Attestacōn both Abroad & at home Wee desire all faith & Credence may be given And the Notary shall have for his ffee for every such Attest Fifty pounds of Tobacco And Fifty pounds of Tobacco for the Recording there of Provided that this Act nor anything therein Conteyned abridge not the Secretarys ffee vppon any Instrum^t or other wryteing allowed him by any form^r Act of Assembly This Act to endure for three yeares or to the end of the next Gen^{all} Assembly

The vpp^r house have Assented
John Gittings Clke

The Low^r house have Assented
W^m Bretton clke

An Act for Seateing of Lands in Baltemore County.

The Burgesses of this Assembly vpon a Peticōn preferred by the Majo^r p^{te} of the Burgesses of Baltemore County Considering the inability of Baltemore County to defend it Selfe by reason of the few Inhabitants therein And th^t occasionally by divers p^{sons} engrossing many & great Tracts of Land whereby those whoe would come & Seat therein are hindered there being noe Land to take vpp & what is allready taken vpp cannot be purchased but att Deere Rates where by the sayd County is in noe probabillity (of a long Tyme) to be able to defend itt selfe ag^t their Enemyes Bee itt therefore Enacted by the Lord Proprietor by & wth the Consent of the vpp^r & low^r howse of this present gen^{all} Assembly th^t all p^{sons} who have Land lyeing &

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being in Baltemore County in the Province of Maryland shall att or before the 25th day of Decemb^r 1664 Seate the same And if such p^{rs}ons as afores^d doe not seate their Respective Seates of Land then itt shalbee lawfull for any one whoe hath a desire to Live in Baltemore County to take vpp any such Seate of Land (not seated as afores^d And to seate thereon as if itt neuer had been taken vpp or pattented Provided th^t whosoever shall take vppe such Lands as afores^d shall seate the Land wth three able hands wth in Two Months next ensueing the sayd 25th day of Decemb^r 1664 or else the sayd Land to reverte to the first own^r thereof wthout any further Charge And if the afores^d own^r doth not Seate the sayd Land as afores^d wth in Two Monthes next ensueing the tyme of Reversion of such Land vnto such own^r as afores^d then itt shall bee lawful for any one whoe desires the same to take itt vpp as if itt never had been taken vpp or pattented Provided he seate itt wth in Two Monthes next after the Lapse of the first own^r thereof And if itt be not seated wth in Two Moneths as afores^d then to revert to the first own^r as afores^d Provided That this Act nor anything therein Conteyned doe not extend to Releive any p^{rs}on or p^{rs}ons who hath forfeited his or their Land by the Act for deserted Plantacōns or to prejudice Orphans vnd^r age.

The vpp^r howse have Assented
John Gittings clke

The low^r howse have Assented
W^m Bretton clke.

An Act prohibiting Tradeing and Gameing wth Servants

The Burgesses of this present genāll Assembly takeing into their Serious Consideracōn the many & great greivances that have happened vnto many Mast^{rs} wthin this Province by the infidellity of their Serv^{ts} purloyning their Mast^{rs} Goods & then Bartering & Selling the same vnto Seamen & others whereby Mast^{rs} of Famylies are very much dampnified And hitherto noe Lawe for the punishing such offend^{rs} hath been provided whereby they are emboldened to p^{rs}ist in their Misdemeano^{rs} Wee the Burgesses of this present genāll Assembly doe humbly pray that itt bee enacted, And bee itt enacted by the Lord Proprieto^r by & wth the consent & Advice of the vpp^r & low^r howse of this p^{rs}ent genāll Assembly That noe p^{rs}on whatsoever shall trade Barter Commerce or Game wth any Serv^t (except hired Serv^{ts}) wthin this province wthout Lycence first had & obteyned from his or her M^r M^{rs} Dame or Overseere, vnd^r the penalty of Two Thousand pounds of Tobacco to be payd

the one halfe to the Lord Proprietor & the other halfe vnto the Master of such Servant or True owner of such goods soe purloyned Gamed & Bartered for when proved by sufficient Witnesses or Confession of the party to be recou'd by Accōn of debt, Bill, Playnt or Informacōn wherein noe Essoyne Proteccōn or Wager of Lawe to be Allowed And in case such person or persons shall not be able to satisfye the sayd Penalty then such person or persons shalbee bound over by some one Justice of the Peace & put in Security to appeare either att the Pro^{all} or County Court wherevpon conviccōn by Confession or sufficient Witnes such offender shalbee punished by Whipping on the bare backe wth Thirty Stripes And any Servant soe purloynning, Bartering & Tradeing & Gameing as afores^d or killing Poultry, hoggs or sheepe or other Cattle whereby their Masters or others shall Receive appent Damage shall for such their offence after conviccōn by sufficient witnes for the first offence receive on the bare backe Thirty stripes and for the second offence Thirty stripes on the bare back & shalbee burned on the shoulder wth a Red hott Iron in forme of the Lrē R. & soe for every offence after the Second shall receive the same punnishment as afores^d Except for stealeing of Poultry for which the person or persons so offending shalbe whipped only according to the Number of stripes afores^d, And bee itt further Enacted by the Authority aforesaid th^t the Secretary of this province give to each Respective Master of Shipp or Vessell a copy of this Act this present yeare att the Entry of their shipp or Vessell to be affixed on their Maine Mast by w^{ch} all Seamen (his Serv^{ts}) may not be ignorant of this Act nor of the Penalty thereof to be inflicted for w^{ch} the Secretary shall receive three Hundred pounds of Tobacco for this yeare only.

The vpp^r howse have Assented
John Gittings clke

The Low^r howse have Assented
W^m Bretton clke.

An Act for the Repeale of An Act
made Anno 1661 Entituled an Act
Conc^{erning} Killing wild Cattle.

An Act for Lands five years
in Possession.

The Burgesses of this Assembly being sensible th^t the major pte of the people of this pvince being vnacquainted wth the Lawes & Customes of England as Touching possessions of Lands whereby many Controversies may be for the future arise be-

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tweene seuall wthin this p^{ro}vince And for the better Establishing the Inhabit^{ts} in their R^{ts} & Possess^{ns} thereafter Bee itt enacted by the Lord proprietary by & wth the assent of the vpp^r & low^r howse of this p^{re}sent genall Assembly That wheresoever any p^{er}son wthin this p^{ro}vince shalbee for the future full five yeares in quiett & peaceable possession of any lands Tenem^{ts} or hereditam^{ts} wthout Clayme by Com^m^t or p^{er}secucōn of suite in some Court of this province Itt shalbee a sufficient confirmacōn to the Possessor of the said Land Tenem^{ts} or other hereditam^{ts} for ever And shall conclude the Clayme & Title of the p^{er}tend^r for ever, Alwaies provided th^t the Limytacōn for five yeares in this Act expressed for the tyme to come shall not barr Orphans nor Women vnd^r Covert Baron nor p^{er}sons out of the p^{ro}vince nor p^{er}sons of vnsound mind nor p^{er}sons in prison. But th^t the Orphans shall have five yeares after they be of age Women five years free from Couerture (vizt) if she marry agayne before her five years are expired & her husband omitt to make claime his Omission shalbee a good barr ag^t him But if the Women shee shall have soe long tyme allowed her to claime in, as will make vpp the first tyme of her Freedome, five years p^{er}sons of vnsound mind five years after they come againe to their sences p^{er}sons Imprisoned five years after their Release p^{er}sons out of the p^{ro}vince five years after their Arrivall in the p^{ro}vince Provided they come in wthin two years after their Tytle to the Land & howse become due In w^{ch} tyme if they claime not as afores^d to be vtterly barred for ever Provided that this Act nor any Clause therein Conteyned shall not Infringe anything expressed in an Act passed this Assembly entituled an Act for the Quietting possession & establishing the manner of Conveyance for the future, nor to barr the Lord Proprietary for any Claime to lands not held by Pattent vnd^r the Seale of this province

The vpp^r howse have Assented
John Gittings clke

The Low^r howse have Assented
W^m Bretton clke

An act Providing what shalbee
good Evidence vppon Bills Bonds and
Specialtyes Comeing out of England And
other p^{ar}tes.

The Burgesses of this present Assembly takeing into their Serious Consideracōn the many Inhabit^{ts} of this p^{ro}vince have form^{ly} suffered much prejudice by reason of Bills Bonds & Specialtyes Comeing out of England & other p^{ar}tes vppon which many have been sued here & very slight evidence hath

been pduced As to the Testimony & pofe vpon which many
pſons have been Lyable to vexacōus & Trouble ſome ſuites For
the prevencōn of the like Miſcheifs for the Tyme to come And th^t
a Certeayne rule may be obſerved for the future in Poynt of Evi-
dence to all Bills Bonds & ſpecialtyes for paym^t of money for
the prevencōn of Forgery & alſo to p^rvent vnjuſt moleſtacōn of
the Inhabit^s of this Province Bee it Enacted by the Rt. hon-
no^{ble} the Lord Proprietor^s by & wth the Aſſent of the vpp^r & low^r
howſe of this genall Aſſembly th^t noe copy of any Bills Bonds
or Specialtyes made in any forreigne pro^s ſhalbe pleadable in
any Co^r^s of this Province any form^t Law vſage or Cuſtome to
the contrary hereof Notwthſtanding And bee itt further En-
acted by the authority aforeſ^d th^t noe Bills Bonds or other
Specialtyes whatſoever Comeing out of England be allowed
or be Judged authenticke in any Co^r^s of this Province vnleſſe
the pⁱ vnto whome ſuch Bills Bonds or Specialtyes doth
app^tayne doe p^rve the ſame by Evidence (viva voce) or elſe
ſuch Bills Bonds or Specialtyes be p^rved before the Lord Mayo^r
of London & Certified vnd^r the Citty Seale or before any other
Mayo^r of Citty or Borough Towne Corporate of England And
Certificate vnd the Seale of ſuch Citty or Borough Towne cor-
porate whereby ſuch Bill Bond or Specialty ſhalbe p^rved any
Lawe Cuſtome or vſeage to the contrary hereof notwthſtanding
And all Bills & Bonds or other Specialtyes w^{ch} ſhall come from
any other Forreigne p^rte either Collony or Platacōn whatſoever
ſhalbee eth^r (viva voce) proved here or elſe afore the Govern^r
of ſuch place Collony or Plantacōn & Certificate vnd^r his or
their Seale from whence ſuch Bill Bond or other ſpecialtye
ſhall come otherwiſe all ſuch Bills Bonds or Specialtyes ſued
here ſhalbe rejected & Judged Inſufficient for want of ſuch due
prooffe or Evidence as aforeſ^d according as is p^rvided in this
Act, Any Law vſage or Cuſtome to the Contrary hereof in any
wiſe notwthſtanding

The vpp^r howſe have Aſſented
John Gittings Clke

The Low^r howſe have Aſſented
W^m Bretton clke.

An Act for the Explanacōn of that
Clause in An Act made by Cap^t W^m
Stone 21th Aprill 1649 touching Hoggs &
Marking of Cattle, etc.

Whereas ſome diſputes have been rayſed in County Co^r^s
concerning the killing vnmarked Swyne vpon ones owne Land
as is ſignified by a Parenthesis in the Act Bee itt Enacted by

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the R^t honno^{ble} the Lord Proprietor^y by & wth the Consent of the vpp^r & low^r howse of this present Genall Assembly th^t those Words (viz^t) ones owne land shalbee Construed and Incorporated by all Co^r^{ts} to be th^t Land w^{ch} is Pattented & for w^{ch} hee payes yearly rent to the Lord Proprietary.

The vpp^r howse have Assented
John Gittings clke

The Low^r howse have Assented
W^m Bretton clke

An Act Conc^rning Proceed^{ings} att Lawe.

Whereas severall differences doe arise wthin this Province wherein there is noe Rule or Law provided in the p^{ro}vince whereby to determine such differences & to leave much to discretion is to open a Gapp to Corrupe^cōn for the avoyding such Inconveniencies Bee itt Enacted by the Lord Proprietor^s by & wth the Consent of the vppe^r & low^r hows of this present genall Assembly th^t in Case where the Lawe of this province is silent Justice shalbe Adrd according to the Lawes of England soe farr as the Co^r^{ts} shall Judge th^m not Inconsistent with the Condi^cōn of this Province. This Act to endure for three yeares or to the end of the next genall Assembly.

The vpp^r howse have Assented
John Gittings clke

The low^r house have Assented
W^m Bretton clke.

An Act Conc^rning Paym^t of Debts due by Bill.

Whereas many Inconveniencies have happened in this Province Concerning Iudgm^{ts} & bills brought in & Pleaded but but most especially vpon dead mens Estates whereby itt may be coniectured th^t such Iudgm^{ts} or Bills being of a long standing have been form^{ly} paid and satisfyed for the prevencōn whereof for the Future Bee itt enacted by the Lord proprietary by & wth the Assent of this present genall Assembly th^t noe Iudgm^t Bill, Bond or other Instrum^t vnd^r hand wryteing shalbe allowed or pleadable in any Co^r^{ts} of this province after three years after the date of such Iudgm^t bill, bond or Instrum^t, as afores^d excepting such Iudgm^{ts} as were had & Bills Bonds or Instrum^{ts} as were made or taken before the end of the Last Assembly And bee itt further enacted by the Authority afores^d th^t all such Iudgm^{ts} Bills

Bonds or other Instrum^{ts} as were taken before the last day of the last genall Assembly shall not be allowed as afores^d vnlesse they be sued out and renewed by the first day of Aprill w^{ch} shalbe in the yeare of our Lord God one thousand six hundred sixty-five Provided th^t if either Debtor or Creditor be att any tyme out of the Province the full terme of three yeares either pty may Claime the benefitt of this s^d Act w^{ch} in the prefixed tyme after their Returne into the pvince for the Pleading or Renewing this Act to endure for Six yeares or to the end of the next genall Assembly.

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The vpp^r howse have Assented
John Gittings clke

The low^r howse have Assented
W^m Bretton clke.

An Act for the Burgesses Expences and
other Publiq^e Debts.

Bee itt Enacted by the Lords Proprieto^{rs} by & wth the Consent of the vpp^r & low^r howse of this p^rsent genall Assembly That every County shall satisfye vnto their Respective Burgesses All their necessary Expences this Assembly for meate drinke & lodginge for themselves & charges of Boate & hands for this ensueing Cropp, As alsoe one hundred pounds of Tobacco vnto Lieuten^t Coll Jarboe Two Thousand & Sixty pounds of Tobacco to M^r George Goldsmith one Thousand pounds of Tobacco to M^r Augustyne Herman Three thousand pounds of Tobacco to Mr. ffrancis Wright ffourteen hundred & Seaventy pounds to Cap^t Nicholas Gwyther Two hundred nynety & two pounds of Tobacco to M^r Slye, Three hundred pounds of Tobacco to the Secretary ffifty to Randall Hanson forty to Collonell W^m Evans one hundred & ffifty to M^r Symon Carpenter Three hundred & thirty to Mr. Richard Wells Six hundred & ffifty to M^r Iohn Bateman Two Thousand Two hundrd to James Jolly for the charge of the vpp^r howse att his Ordinary Six Thousand Three Hundrd & eighty two pounds of Tobacco by the said James Jolly for drinke & dyett expended on the publiq^e being pte of the charges of the low^r howse to dyett for the Sasque Sahanagh Indians two hundred & Sixty to be added to James Iollys Acc^t Two Thousand to M^r W^m Bretton clke of the Low^r howse one Thousand to M^r John Gittings clke of the vpp^r howse Three hundrd & ffifty to M^r Iohn Powick for officiating in the low^r howse five hundrd to M^r George Renolds Doore Keep^r for the low^r howse Three Hundred to M^r Willkin- son doorkeeper of the vpp^r howse Seaventy one Thousand eight hundred Twenty five pounds of Tobacco in Caske to be payd

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vnto the Lieu^t gen^l according as is specified in an act for the Confirmacōn of an Act of Gratitude vnto the R^t honno^{ble} Charles Calvert Esq^r to be leaved vpon all the Taxable psons wthin this pvince being Two Thousand Eight hundred Seaventy Three w^{ch} at Twenty five pounds p pole Amounts to the s^d Sumē to 10 p cent for the Respective Sherriffes of this pvince for the collecting of Nynety nine Thousand two hundrd forty & nyne pounds of Tobacco being the Totall of the Sumē above specified Amounts to Nyne Thousand nyne hundred & Twenty foure pounds of Tobacco for Their Sallery.

The Vpp^r house have Assented
John Gittings clke

The low^r howse have assented
W^m Bretton clke

The Lords Proprieta^{ry} willeth
that These be Lawes.

PROCEEDINGS AND ACTS
OF THE
GENERAL ASSEMBLY
OF MARYLAND,

At a session held at St. Mary's, September 13—21, 1664.

CECILIUS CALVERT, LORD BALTIMORE,
Proprietary.

CHARLES CALVERT,
Governor.

THE UPPER HOUSE OF ASSEMBLY.

September 5^t 1664

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Writt issued to Coll. W^m Evans Councillor to appeare 13th instant to sitt in the vpper howse of this p^rsent Generall Assembly

September 6^t 1664

Att the howse of Assembly according to the Ajournment p. 191
October 3^d 1663 came Charles Calvert Esq^r Leivtenn^t Generall
Philip Calvert Esq^r Chancellor and Baker Brooke Esq^r

Henry Sewall Esq^r being calld (returne) absent in England
Jerome White Esq^r being calld returne absent through sickness

Rob^t Clarke Esq^r returne deceased.

Edward Lloyd returne absent by Cross winds

John Bateman Esq^r returne dēc^d

Henry Coursey Esq^r returne Cross winds

Vpon Consideracōn of the absence of the aboue menconed
persons the Leivtenn^t Generall ajourned the howse till Tuesday
next 13th instant

10th day of Sep^t To the Right hono^{ble} the Leivtenn^t
Generall of Maryland

The humble peticōn of Luke Barbier

Sheweth

That att a Provinciall Court held ffebruary 9th 1663 in a case
depending betweene Henry Spinke et ux. plts and yo^r pet^r
def^t in the proceedings of which suite in divers parts thereof
yo^r pet^r humbly Conceiues there is Error & therefore humbly
prays

The premisses Considered yo^u would be pleased to grant
him leaue to shew the Errors & order a Reheareing vpon the
same. And he shall pray

Errors Assigned

first the Writt & the declaracōn of my Adversarys doth
differ and this is error. Termes de la Ley

2^{dly} The writt hath nothing in itt of the declaracōn when itt
ought to have all but only tyme & place & this is Error fo: 20

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3^{dly} And more Cheifely even in the substantiall forme of my Adversarys declaracōn itt is most Erroneous he not Chargeing me att all therein to have spoken the words either false or malitiose when he ought to have done itt with both or noe Action can lye & this is Error as fol. 47 Trin 7 Car. B. R & fo. 24

4^{thly} The matter of Lawe was never as yett Concluded on either before or after the Verdict of the Jury by which itt might appeare whether the words were Actionable or noe yo^r pet^r then & still humbly Conceiving they were nor are not & in his answere mentioned as much & left itt wholly vpon the Court desiring them to judge the matter of lawe as in the sd Answere vpon Record doth more att large appeare & this he humbly Conceives is Error

5^{ly} ffor a Jury to give dammages beyond the Capacity or possibility of the plts being dampnified more then in Estate Creditt or otherwise he was ever worth the birth Educacōns & Estate of my Adversarys being sufficiently obvious; yo^r pet^r also humbly Conceives is Error

6^{ly} And lastly there is palpable Error in the Jury for giving any damages att all when my Adversary never named any for he ought to have named his dammages & indeed haue proved them for folio 339 Co: 10-113. 13. H. 7. 16 sayth plainly A man shall never recover more dammages then he doth declare for in his declaracōn

L. Barbier

Fiat Justitia

Charles Calvert

Wherevpon issued this writt as followeth

Cæcilius &c To the Sherriff of S^t Marys County Greeting because in the Record & process and giving of judgem^t in a plea that was depending Betweene Henry Spinke and Ellenor his wife plts. & Luke Barbier defd^t in tryall of an action vpon their case for defamacōn and Slaunder w^{ch} was sumoned before our Governor & Councill in our Pro^{all} Court the ninth of ffebruary 1663 as is sayd Error manifest hath intervened to the greate damage of the afores^d Luke as from his plea wee haue rec^d. Wee the Error in due manner to be Corrected & To the partys afores^d full & speedy Justice to be done willing in this parte Comand yo^r that by good & lawfull men of yo^r County yo^r make knowne to the s^d Henry Spinke & Ellinor his wife who recovered ag^t the s^d Luke Barbier that they be before us at our Assembly held att S^t Marys on Thursday 15th of September next to heare the Record & process afores^d soe had as also the Errors which the aforesaid Luke in this parte to assigne & alledge shall happen & further to doe & receive

what our Court of Assembly shall consider in the p^rmisses & haue then there the names of those by whome this thou shall make knowne vnto them & this writt, Wittnes our deare sonne & heire Charles Calvert Esq^r our Leiutenn^t of our Province of Maryland this 10th day of Sep^r 1664

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Charles Calvert

Tewsday 13th Sep^r 1664 mett according to the
Ajournm^t above menconed.

Charles Calvert Esq^r Leiutenn^t Generall Philip Calvert Esq^r
deputy Leiutenn^t & Chancellor Jerome White Esq^r Baker
Brooke Ed. Lloyd Coll W^m Evans & Coll Nath. Vty Esq^{rs}

Then Coll Nathaniell Vty p^rsented to the vpper howse this
petⁿ following.

To the R^t hono^{ble} the Leiutenn^t Generall
& Councell of the Vpper howse together
with the hono^{ble} Burgesses in this p^rsent
Assembly

Sheweth

That M^r ffancis Wright being the last yeare Elected for one
of the Burgesses of Baltemore County is through our desire
gone vpon speciall service for the Province to the Sasque-
sahanough fforte that yo^r honors may heare the more true &
Certaine Intelligence of the Enemies proceedings prayth

That yo^r lo^r and this hono^{ble} Assembly will take itt into yo^r
most serious Consideracons the p^rmisses Considered & grant
him leave to be absent from attending as Burgess this p^rsent
session of Assembly

Signed

Lewys Stockett
Geo. Gouldsmith

And yo^r pet^r shall pray

which petⁿ afores^d was granted by this howse & ordered to
be sent to the lower howse

Vpon Consideracōn had of the defence of the Province ag^t
the Incursion of the Indians, Ordered that the Originall Articles
with the Sasquesahanough Indians be brought in to this howse
to morrow morning to be Considered of

M^r White being sick desired leave to depart the howse &
made his proxy the hono^{ble} the Leiutenn^t Generall.

The howse ajourned till to morrow morn
9 of the Clock

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Wednesday 14th September 1664

Present Philip Calvert Esq^r deputy Leiutenn^t and Chancellor,
Baker Brooke, Ed Lloyd Coll William Evans and Coll Nath. Vty
Esq^{rs}

Then was tendred by the Chancellor the article of peace
with the Sasquesahanough Indians according to the order
yesterday.

The howse ajourned till two of the Clock
in the Afternoone

And the howse mett againe as before

Then M^r Richard Preston preferred a petⁿ on the behalfe of
W^m Lowry who had his serv^t Arthur imprisoned for felony
touching the fees of his s^d Imprisonmen^t to be payd by the
Country which by the Sherriffs acc^t amounts to 1550^h Tob.

which petⁿ and acc^t being read the further Consideracōn of
itt was referred till to morrow morning

The howse ajourned till 9 of the
Clock in the morning

Thursday 15th Sept. 1664
9 of the Clock in the morn.

Present

p. 195 Charles Calvert Esq^r Leiutenn^t Generall Philip Calvert Esq^r
deputy Leiut^t & Chancellor Baker Brooke Ed Lloyd Coll W^m
Evans and Coll. Nath. Vty Esq^{rs}

Ordered that the petⁿ and acc^t p^rsented yesterday by M^r
Preston be sent to the lower howse with the acc^t

Imprisonm^t 20^h p day

Boate & hands to the County Co^t

h tob

420

100

520

This 520^h tob the Vpper howse thinkes to be the only fees
due to the Sherriff & the lower howse are desired to declare
Their opinions whether they thinke the Publick or the County
or the Master shall pay the Charge & if they lay itt upon
the Serv^t whether he shall first serve the Sherriff for the fees
or his Mast^r his tyme.

John: Gittings Cle.

Then M^r Marmaduke Snowe p^rsented a petⁿ which is as followeth.

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To the hono^{ble} Charles Calvert Esq^r
Leiutenn^t & cheife Governor of this
Province of Maryland

The humble petⁿ of Marmaduke Snowe
Sheweth.

That Thomas Gerrard of S^t Clements manno^r in the Province of Maryland did before the R^t hono^{ble} the lord Prop^r of this Province become bound in one Recognizance for the paym^t of one thousand pounds sterl. vnto Abell Snowe of Cursitars office London Brother vnto yo^r pet^r as by the s^d Recognizance vpon Record appeareth]

That Abell Snowe afores^d the s^d Recognizance vnto Jdith Snowe his mother as well as other his Estate in this Province did give grant & make over to the vse of the s^d Jdith her heires & Assigns, And further that the s^d Jdith Snowe the s^d Recognizance soe as afores^d vnto her given vnto yo^r pet^r & his heires did in like manner give grant & make over as by the s^d deeds vpon Record likewise more att large appeareth. That yo^r pet^r thereupon did Commence his suite in the hono^{ble} Court of Chancery of this Province & brought yo^r honors writt of scire faciæs ag^t Thomas Gerrard by which the s^d Thomas Gerrard was Comanded to shew cause why the s^d Thomas Gerrard should not pay the s^d one thousand pounds set by the recognizance due vnto yo^r pet^r as afores^d That vpon false suggestions & bare Averm^{ts} vnto that hono^{ble} Court he did contrary to the Right of yo^r s^d pet^r obtaine to haue the s^d Cause dismis'd out of that hono^{ble} Court to yo^r pet^{rs} almost irreparable damāge & Contrary to all Equity

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Wherefore yo^r pet^r humbly prays that yoⁿ will please to grant him leave to assigne Errors in the pceedings of the s^d Court & that in this hono^{ble} Assembly yoⁿ will doe him Right according to the merritts & Justice of his Cause.

Fiat Justitia
signed Charles Calvert

And he shall pray
Signed Marmaduke Snowe

After which petⁿ being read he p^rsented his
Errors which are as followeth.

Errors assigned by Marmaduke Snowe in the Cause late depending Betweene him & Thomas Gerrard & dismis'd in the Court of Chancery 21th of ffebruary 1662

Jmprimis for that a Recognizance in Chancery is a record of the highest and most hono^{ble} Court of this Province ag^t which

U. H. nothing but a discharge vpon Record of the same Court can
Journal be admitted & yett the p^{ts} bill was dismiss vpon a bare Aver-
1659-69 ment of a few wittnesses.

2^{dly} In the Court of Chancery the Chancellor being the
Cheife & only Judge according to the lawe & Custome of Eng-
land the p^{ts} bill was notwthstanding dismiss Contrary to the
opinion of the Chancellor.

p. 197 3^{dly} The order of dismission was granted vpon a false and
feigned surmise & the Court therein surprised for whereas in
the s^d Evidence itt is surmised that the s^d Recognizance before
the Lord Baltemore was in lieu of the Ad^{cōn} of Justineau
Snowes estate in Maryland Jtt is apparent by the date of the
s^d Letters of Ad^{cōn} & Quietus Est thereupon Granted Com-
pared with the Recognizance afores^d that the Recognizance
was entred into many moneths after the date of the Quietus
Est & th^t itt was in security for divers sumes of money due
from the s^d Thomas Gerrard vnto Abel Snowe as well vpon the
purchase of the whole Estate of the s^d Abell here in Maryland
as for money by him the s^d Thomas Gerrard borrowed of Abell
Snowe for the setting forth of him the s^d Thomas Gerrard
vpon his voyage into this Province of Maryland never as yett
satisfyed by the s^d Thomas Gerrard

signed Marmaduke Snowe

Whereupon a writt ad audiendum Errores was granted &
issued out ag^t the s^d Thomas Gerrard ret. the seventeenth
instant & this order following written vnderneath the s^d writt
(vizt).

Ordered that the Sherrieff readeing this writt & leaueing this
order & a Coppy of the writt att the howse of Thomas Ger-
rard shall be sufficient notice to the s^d Thomas Gerrard

John Gittings Clre.

The howse ajourned till two of the
Clock in the Afternoone

The howse mett againe

When was calld Doctor Luke Barber & Henry Spinke when
itt was moved by Henry Spinke his Attorney W^m Calvert Esq^r
that they might have a Coppy of the whole proceedings tran-
scribed ag^t to morrow morning wherefore Jtt is Ordered that
p. 198 a Coppy of the whole proceedings betweene Henry Spinke Et
ux p^{ts} and doctor Barber def^t be transcribed by to morrow
morning 9 of the Clock att which tyme the Cause is to be
heard

Then was read the petⁿ of William Smith the Consideracōn
whereof was referred till to morrow morning

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The howse ajourned till 9 of
the Clock in the morn

September 16th

Present as before

Then the Clk of the Provinciaall Court brought in the trans-
cription of the Proceedings vpon Record betweene Luke
Barber & Henry Spinke which is as followeth.

Henry Spinke and Ellinor his wife demands writt ag^t Doctor
Luke Barber accōn case vpon defamacōn.

Warr^t to Sherr. of St Marys County to arrest &c. Ret. next
Pro^{all} Court 8th September next (ut Supra)

Sumōns in ditto Causa Peter Mills Henry Loyde and John
Hierome to testefy &c. Supā penalty 500th Tob.

Be itt knowne vnto all men by theis p^rsents that J Luke
Barber make and appoynte my worthy freind M^r Thomas
Notley my true & lawfull Attorney in a suite depending this
Court betweene Henry Spinke and Ellinor his wife and my
selfe And whatsoever my s^d Attorneys shall act or doe I
binde myselfe by theis p^rsents to rattifye & Confirme in as ample
manner as if I myselfe were then & there personally p^rsent
Wittnes my hand 10th Sept. 1663

L. Barbier

Testes.

John: Gittings
Rob^t: Clarke

To the Right hono^{ble} the Lord Leivtenn^t
and Councill of the Province of
Maryland

p. 199

The humble petⁿ of Henry Spinke

Sheweth

That yo^r pet^{rs} wife being summoned to make her personall
appearance att a Court held att Newtown the sixteenth day of
June last past to testefy her knowledge in a cause then and
there depending betwixt Benjamin Hunton p^{lt} and Doctor
Luke Barber def^t vpon penalty of 500th tob. in case of not
appeareing she according to the Sumons made her appearance
& when she was giving in her testimony vpon oathe Doctor
Barber contrary to that lawe which doth provide for the safety
& security of Wittnesses in a Reproachfull & slanderous man-

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ner call'd yo^r pet^{rs} wife whore & the s^d doctor Barber did then & there affirme severall tymes that she was a whore saying that he had caught her with her Coates vp, and that Rogue Tom Hughes wth his breeches downe & in such vncivill accōns not fitt to be named And further that he brought in none but Rogues and whores with him some from Newgate some from Bridewell & some from the whipping poste saying, And thou were the Impudence of all by yo^r pet^{rs} wife she comeing in his servant & also that her oathe was false and malicious which he would prove, Now for itt is th^t yo^r pet^{rs} wife has been almost these five yeares in this Country without the least blemish of Immodesty that carping Envy could suspect either in her behaviour speech or Carryage as is manifest to all her neighbours with whome she hath been Conversant & and that her educacōn & former life in England being knowne to divers in this Country to be noe other, but honest modest & Civill but now by those slanderous speeches of the afores^d Barber which hath soe wounded her in her Creditt, Reputacōn & honor (which is far dearer then life) that all the vertues of her former life is blasted & she blazed for a whore and Strumpett, vnles yo^r honors doe grant her Reparacōn ag^t the s^d Barber, which yo^r pet^r conceives yo^u ought in Justice and honor to doe least this Slander for a president for futurity for such abusive fellowes not only to abuse Wittnesses in Contempt of governm^t & lawfully summoned, but also take the priviledge to slander and abuse all weomen let them be ever soe innocent (noe mans wife excepted) wherefore he humbly Craves that the Cause may be tryed by an able Jury & she repayred according to the merritts of the offence

p. 200

And he shall ever pray

Henry Spinke plt } This Cause is respitted till next Pro^{all} Court
Luke Barber def^t } And the Court ordrd the Clk to take the dep^{ns} of all those now summoned in this Cause & to give Coppyes thereof either to plt or def^t (if demanded) whereby to prepare themselves ag^t next Pro^{all} Court

John Jerome aged 24 yeares or thereabouts sayth vpon oathe that att the Court att Newtowne Doctor Luke Barber call'd Henry Spinkes wife whore & sayd that he would prove itt, for he sayd that he caught her with her Coates vp about her midle and Tho. Hughes with his breeches ab^t his heeles & in most vncivill accōns And the said Doctor Barber further sayd that her oathe was malicious and false & thereupon threw itt to Mr Hall & bid him enter itt for he would prove itt & sayd that he brought none but Rogues & whores along with him

out of England some out of Bridewell & some out of Newgate
& she was the Erranst whore th^t came

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John Jerome

Sworne in open Court
before me

W^m Bretton Clk.

Peter Mills sayth vpon oath that att S^t Marys County Court held the 16th day of June last after Ellinor Spinke had taken her oath ag^t Doctor Luke Barber in a cause depending in the s^d Court the s^d Barber call^d Ellinor Spinke whore & that he had taken her wth her Coates vp to her middle & that Rogue Tom Hughes with his breeches downe & that he would take his oathe of itt, & that he did bring into the Country wth him none but whores and Rogues some from Bridewell some from Newgate & some from the Whipping poste & then poynting to the said Ellinor he sayd and thou wert the Impudentest whore of them all And further he sayd that her oathe was false and malicious & he made noe Question but to prove her perjured & a greate many other Reviling speeches

p. 201

Sworne in Co^{rt} before
me

The marke of Peter
Mills

W^m Bretton Clk

Henry Hyde aged 26 yeares or thereab^{ts} sayeth vpon oathe that in an open Court held att Newtowne the 16th day of June 1663 he heard doctor Luke Barber call then & there Henry Spinkes wife whore & sayd he tooke her with her Coates vp and Tom Hughes breeches downe & vpon his wifes bed & he sayd they were naught together & being demanded whether he would prove that he answered he would take his oath vpon itt & sayd itt was very true for he imediately gave her Correccō for itt, & there was none but Whores & Slutts that he brought into this Country such as were brought out of Bridewell and Newgate, whereof she was the most impudentest & further sayth not.

Sworne by me in Co^{rt}
W^m Bretton Clk.

Henry Hyde

German Gillett sweareth the same with Henry Hyde (ut supra) and farther th^t doctor Barber sayd that she vizt Spinkes wife was not only a whore but that he would prove and mayntayne her a whore

Sworne in Court by
me

The marke A of German Gillett

W^m Bretton Clk.

U. H. Henry Spinke plt } The plts petⁿ being the same putt
 Journal Doctor Luke Barker def^t } in by him last Pro^{all} Court now read
 1659-69 in Court the def^t in answere thereto putteth in this his answere
 p. 202 & also the Charge which are as followeth.

To the R^t hono^{ble} the Leiu^tenn^t Generall
 and Councell of Maryland

The humble petⁿ of Luke Barber by way
 of answere to the petⁿ or declaracōn
 of Henry Spinke

Sheweth

That whereas the s^d Spinke accuseth yo^r pet^r of calling his wife Ellinor whose itt is true he denyeth itt not, nor any parte or parcell of the s^d Charges of immodest and lascivious Carriages of the sd Ellinor as they are charged & Contayned in the afores^d petⁿ or declaracōn and relating in the least to the said Ellinor but pleades a speciall Justificacōn as not actionable humbly throwing himselfe and Case vpon this most hono^{ble} Court & their Judgement whither any of the s^d words are actionable yo^r pet^r humbly Conceiving with Submission to yo^r honors they are not & then Conceives vnder the submission aforesaid a Jury ought not nor can have Cognizance thereof for ad Questionem Legis Judices ad questionem facte Juratores

The p^rmisses Considered yo^r pet^r humbly
 Craves such Releife for his vnjust molestacōn
 as yo^r honors thinke meete

And as in duty bound he shall
 pray &c.

The Charge

That Doctor Luke Barber did call Ellinor the now wife of Henry Spinke whore that he did divers tymes affirme that she was a Whore & that he had taken her with her Coates vp and that Rogue Thomas Hughes with his breeches downe. And that he brought none but Rogues and Whores out of England
 p. 203 some out of Bridewell some out of Newgate and some from the Whipping Poste & also th^t her oathe was false and malicious which he would prove

This being the Charge my Adversary accuses me with tis his duty to prove itt actionable yett for sattisfaccōn of this hono^{ble} Court I shall for once Endeavor to prove the negative (vizt)

That none of all the Charge is actionable & that out of Shepard & his authorities being the very booke the hono^{ble} Leiv^tenn^t Generall Chancellor and this hono^{ble} Court the other day made vse of in a case of the like nature ffirst then as to the words (whore) the said Shepherd fo 76 affirmes positively

that the accōn will not lye for saying a woman is A Whore or Baud (albeit they be marryed And then for the gesture I found her in wth that Rogue Tom Hughes as I am charged the s^d Shepard declares himselfe in fo. 80 ut infra if any words be spoke in themselves not actionable of a young woman or man Chargeing them with incontineny or otherwise by which they loose their match the loss of the match must be averred specially Itt is not good Pasch 25 Car. B. R. Ayres Case, Sandersons Case Trin 17 Car. B. C. soe if any words of passion only not acconable be spoken as to say a man is forsworn he is a Rogue Villaine, or the like if any accōn be brought vpon them itt must be mayntayned by a speciall averm^t of losse Co. 4. 15 Now for the last parte of his Charge (vizt) & also that his oathe was false & malicious which he would prove, this I likewise Conceive is not actionable for the s^d Shepard sayth fo. 77. soe in a Case depending betweene A. and B. in the Kings bench certaine Affidavitts being openly read in the Court the def^t sayth openly there is not a word true in them as I can prove by twenty Wittnesses this is not actionable Pasch 15 Car. B. R. Moltons Case Besides may itt please yo^r honors when I spoke the words itt was not soe much as an Affid^t vntill sworne to noe affid^t & itt was some space of tyme before she had deposed Lastly to give yo^r honors fuller satisfaccōn haveing as I humbly Conceive sufficiently proved nothing in my adversarys Charge can be acconable I shall now proue alsoe vnder correccōn of this hono^{ble} Court that grant they were acconable in themselues yett as they are Charged they can beare noe action and that by the afores^d Shepard who fo. 44 sayth they must be Charged with the very words false and malitious false et malitiose or itt is not accōnable both which words must be found by a Jury for if they finde one of the words & not the other the accōn will not lye as in folio: 85 Norman & Symonds case the p^{it} brought an accōn for words & declared that they were spoken false & malitious the Jury finde the words false et injuriose & itt was adjudged the accōn would not lye because the findeing of the Jury doth not warr^t the declaracōn in the substantiall forme of itt, Trin. 7 Car. B. R.

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Now I leaue itt to yo^r honors to judge whether itt is possible a Jury can finde both or either of the words being neither vsd nor Charged in my Adversarys declaracōn the s^d Shepard calling them by the title of the substantiall forme of the declaracōn.

Notwithstanding may itt please yo^r honors the better to defend my selfe from the malitious designes of Henry Spinke & that light carryaged woman Ellinor Edwards while she was my servant yo^r pet^t doth not deney any thing of his Charge or declaracōn yett he humbly desires yo^r honors to Consider the

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sequence ffirst that the words I am Charged to speake were spoken & soe is Charged to be in open Court now M^r dent & other Members of the Court as also M^r Jarboe M^r Turner & others bystanders att leaste six or seaven who hath declared to me they can & will if need be declare vpon oathe they being p^rsent att the same tyme that they heard noe such thing or in that forme as most of the others my Adversarys hath proved ag^t me make mencōn of he haveing procured foure oathes the persons of all which had as I can prove perfect pre-judice ag^t my person except M^r Hide whose oathe is nothing soe desperate or jnvective ag^t me as the others are nay yo^r pet^r dare venture all he hath that the said Spinke cannot gett the like oathe of any Credible person as either of the other three hath taken all over the Province the men being of very slender Repute in Comparison of the persons p^rsent whose oathes if need be I can produce who only testefy of my taxing her of a whorish or lascivious Carryage while she was my servant & in perticular with Thomas Hughes which is most true & vpon which I forwarning her of this fellowes Company she impudently receives him into my howse when my wife and I was gone to S^t Marys Lodgeing him in my wifes bed & lying all night in the Roome with him as my serv^{ts} told me att my returne & which she did not deney when I gave her Correccōn for itt before M^{rs} Reynolds telling her att that very tyme I gave her Correccōn for those her whorish Carryages to which she answered not a word.

Ordered that Judgem^t and determinacōn in this Cause be respitted till to morrow morn.

Henry Spinke p^{lt} } The p^{lts} pet^r & the def^{ts} answer
doctor Luke Barker def^t } thereto & this charge ag^t the p^{lt}
being read over the p^{lt} Ellinor Spinke her husband being
absent by her Attorney Coll W^m Evans sayth that whereas the
def^t haveing taxed the p^{lt} in open Court Affirming that her
oathe was false & malicious is matter of fact & therefore
desireth the board to deliver their opinion & judgem^t in the
same And after some debate in the Cause the Judgm^t of the
board is that if doctor Barber vttered these words after the s^d
Ellinor had taken & given in her oathe in Court itt ought to
be judged & esteemed as matter of fact.

Then the p^{lt} craves a Jury which was granted Warr^t to Sherr. to impannell a Jury ret. forthwith

Edward Clarke sworne & examined in open Court sayth that after Ellinor Spinke had delivered in her oathe doctor Barber threw itt to M^r Hall & bid him Record them for they were false & malicious & he did not question but to proue her per-jured And further sayth not.

Mr Walter Hall sworne and Examined likewise in open Court sayth that after Ellinor Spinke was sworne the doctor gaue this depon^t two dep^{ns} the one being Ellinor Spinks & bad me Record them & be carefull of them for he would proue them false and malicious and made noe doubte but to gett vnder the L^d Chancellors hand of England to punish such malicious persons as those were and further sayth not

Sherriff returnes his writt and warned

Foreman	W ^m Calvert Esq ^r	}	James Lindsey
	Patrick fforrest		Dan: Clocker
	Thomas Hussey		John Lumbroza
	Rob ^t Peyton		Tho: Hatton
	Peter Watts		Geo. Thompson
	W ^m Robinson		Rich. Dod.

The Jurors Charge given is this vizt

Whether doctor Luke Barber accuseing Ellino^r Spinke in saying her oathe was false and malicious those words were spoken by him afore or after she had taken her oathe, if spoken before to finde for the def^t if after to finde for the plt with costs and damages. p. 207

After long debate the Jurors came into Co^t and demand 30ⁿ tobacco p head as was allowed that former Jury inter John Abington plt and Jerome White def^t which was allowed and Granted by the board

Then they deliver in their verdict as followeth (vizt)

The Jury doth award vnto the plt for dammages thirty thousand pounds of Tobacco and Caske with Costs & Charges of suite

And the Court ordered the verdict
be Entred for the Judgem^t

True Coppy Ex^d by the Clk of the Pro^{all} Court and the Clk of the vpper howse of Assembly before me

Signed Philip Calvert Chancellor

Luke Barber plt } The plt & def^t appeareing att the tyme
Henry Spinke } appoynted & the transcript of the Record of
def^t } the process and Judgem^t ag^t Barber being
brought into the howse of Assembly the plt proceeded to
assigne & make good the errors and first was read the first
Error (vizt)

First the Writt and the declaracōn doth differ & this is Error
Termes de la ley.

The Record sayth Henry Spinke & Ellinor his wife demands
writt ag^t Luke Barber accōn Case vpon defamacōn

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Warr^t to the Sherriff of St Marys County to arrest &c Ret.
next Pro^{all} Court 8th Sep^t next (ut supra)

And a little belowe

To the Right hono^{ble} the Lord Leiuenn^t
& Councell of the Province of Maryland

The humble petⁿ of Henry Spinke

Sheweth &c which was in the declaracō putt in by Spinke

The def^t Spinke alleadged that the difference betweene the
writt and declaracō is not error because itt was only matter of
forme & for th^t alleadged the lawe of the County but could
not produce any lawe of the Country to prove his Allegacō.
The pt^t replies itt is matter of Substance and not of forme
only & therefore Error.

And the vote of the howse nemine Contradicente was that
the error was substantiall & not in forme of the declaracō
only and therefore Vote the Judgem^t Erroneous & that they
both pay their owne Charge

M^r Jerome White p^rsent

Then was taken into Consideracōn the Articles of peace with
the Sasquesahanough Indians dated fift of July 1652

Vpon readeing of which Articles made with the Sasquesa-
hanough Indians as also the Articles made 21th May 1661 the
howse thought fitt to Communicate the s^d Articles with the
lower howse to desire them to Consider.

ffirst which way these Articles should be made good to the
Sasquesahanoughs And Secondly the danger that may arise
from the breach or delay of the performances of the s^d Articles

Ordered th^t the s^d Articles be sent to the lower howse to
desire their answere to these two questions & if they thinke
fitt to haue a Conference ab^t them some tyme this Afternoone

John Gittings Clre.

M^r White absent

Vpon Consideracōn of the petⁿ of W^m Smith touching the
Repayre of the howse of Assembly Ordered that itt be re-
ferred to the Consideracōn of the lower howse.

The howse Ajourned till Afternoone

The howse mett againe & Ajourned till morn

Present as before with M^r Henry Coursey

Was read an Act sent from the lower howse for the preser-
vacōn of the severall harbours within this Province and voted
to pass with an Additionall Clause for Coppyes thereof to be

given to the Masters of Ships & pviding of pay for the Secretary for wryting of the s^d Coppyes and voted to pass and be sent to the Lower howse for their approbacōn to the s^d additionall Clause

Then was read an Act sent from the lower howse for fferrys and amended & sent to the lower howse for their Concurrence

Then was read an Act sent from the lower howse for providing a Magazine
voted to pass.

Then was read an Act for paym^t of ffees due from Criminall persons amended and voted to pass & to be sent to the lower howse for their consideracōn

Then was read an Act for reviving certaine lawes within this Province voted to pass & that all those Acts be sent to the lower howse with the Amendm^{ts} for their Concurrence

Then came from the lower howse W^m Calvert Esq^r with this following paper as answere to the Message sent to the lower howse concerning the Articles with the Sasquesahanough Indians (vizt)

The Sence of this howse is as to the makeing good of the Articles with the Sasquesahanough Indians that ten Volunteers with a Comānd^r be raysed vpon any Emergent occasion when the Governor and Councell shall thinke fitt to be imployed in assisting the Sasquesahanough Indians, for the Continuance of the Articles And that each Volunteere be allowed and payd him 500^{li} ^p moneth. And the Comānd^r one thousand pounds of tobacco ^p moneth during such their service & Impleym^t w^{ch} s^d Charge shall be defrayed by the Publick And Itt is thought by this howse very necessary that the Governor and Councell appoynt two or three Inhabitants in Baltemore County (vizt Coll Nathaniell Vty Cap^t Thomas Stockett and M^r ffancis Wright (whome this howse thinkes fitt persons for that Impleym^t if the Governor & Councell shall approve thereof or any two of them In the namē of the Governo^r and Councell to treat with the Sasquesahanough Indians as often as need shall Require, and to signify the Resulte thereof to them as occasion shall be needefull & the s^d persons to give and receive p^rsents att their owne Charge and discretion. And if the vpper howse shall Condiscend to what is here proposed That they would please to drawe vp an act to that purpose.

W^m Bretton Clk.

Vpon the Consideracōn of the answere of the lower howse to the paper sent yesterday from this howse touching the performance of the Articles to the Sasquesahanough Indians

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1 This howse doth Conceive that since they doe not intend to give the Governor power to press the ten men in their paper mentioned they haue not att all provided for or att leaste not sufficiently provided for the performance of the Articles afores^d since Itt is not in his power to promise ayd certaine but att the will of persons to be employed

2 The Intencōn of this howse being only to move the lower
p. 211 howse to the securing the performance of the Articles with the Sasquesahanoughs in order to the security of the Province and people thereof in Generall from the Incursions of our Enemies they do not conceave that they have sufficiently provided for the end Aymed att in providing soe slender A number of men though att soe greate an Expence as those ten men may prove they only being able to induce the Sasqsahanoughs to employ as small a number in securing the head of all the Rivers on the westerne and Easterne shoare.

Wherefore this howse doth once more desire the lower howse to resume the debate & lay the Common security to heart and sufficiently provide for itt

John Gittings Clre.

The howse Ajourned till Afternoon

The howse mett againe as before
with M^r White

Then came a Messenger from the lower howse with this following paper as answer to the paper above s^d (vizt)

Sep^r 17th 1664

In answer to the paper sent downe from the Vpper howse This howse sayth that they allowed soe greate wages for the Encouragem^t of Volunteers that they doe presume the Governo^r may have them vpon all occasions & consequently may promise Ayd

William Bretton Clk

The Vpper howse desires the lower howse to drawe vp the first proposalls into an Act

John Gittings Clre

p. 212 Then was read an Act Concerning the Secret^{ry} and Addicōn to his fees and putt to the vote whether itt pass or not

Coll Vty to pass	}	M ^r Coursey not to pass
Coll Evans to pass		The Chancellor not to pass
M ^r Lloyd to pass		
M ^r Brooke to pass		
M ^r Whyte to pass		
The Governo ^r to pass		

Then came from the lower howse Cap^t Thomas Stockett with the Acts which were sent to the lower howse with amendm^{ts} with the lower howse their Assent therevnto. U. H.
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Then came Cap^t Nicholas Gwyther from the lower howse with an Act intituled an Act for preservacōn of the Articles made with the Sasquesahannoughs which was read and amended and sent to the lower howse for their Consideracōn.

Then the Sherriff returnd his writt ag^t M^r Thomas Gerrard ad audiendum Errores inter Causa Marmaduke Snowe p^lt and the s^d Tho: Gerrard def^t (Executed)

Then M^r Thomas Gerrard made his appearance according to his tyme appoynted in the warr^t

And the howse ajourned till
Munday morn. 9 of the Clock

Munday 19th Sep^r 1664

Present Charles Calvert Esq^r Leiutenn^t Gener^l Philip Calvert Esq^r deputy Leivtenn^t & Chancello^r Jerome White Henry Coursey Baker Brooke Ed Lloyd Coll W^m Evans and Nath Vty Esq^{rs}

Then was calld M^r Snowe and M^r Gerrard who made their appearance

Then was read the petⁿ of Marmaduke Snowe and his Errors after which Thomas Notley the Attorney of the s^d Gerrard desired a copy of the petⁿ and Errors and tyme till to morrow morn. to putt in his answer.

whereupon Itt is ordered that a Coppy of the petⁿ and Errors be given to the def^t and that he have day to give in his answer till to morrow morn 9 of the Clock.

Then came a Member from the lower howse & desired to haue the answer of this howse to the second pte of the paper sent by them to this howse Sep^r 17th relateing to the appoyntm^t of Coll Vty and others to treat with the Sasquesahanough Indians &c. p. 213

Whereupon the howse return'd this answer vizt. This howse doth conceive th^t itt lyes in the Governors brest with the advice of the Councell to appoynte such and soe many as they shall thinke fitt to treat wth the Sasqsahanoughs as occasion shall require And that an Act is not att all needefull in that behalfe but that the Governor and Councell will take care that fitt persons be appoynted in that County as occasion shall require

John Gittings Cle:

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Then came a Member from the lower howse with this following paper (vizt)

Itt is desired by the lower howse th^t the vpper howse would be pleased to drawe vp an Act obligeing negros to serve durante vita they thinking itt very necessary for the p^rvincōn of the damage Masters of such Slaves may susteyne by such Slaves p^rtending to be Christned And soe pleade the lawe of England

Wherevpon was drawne vp an Act intituled An Act for Slaves, and ordered to be sent to the lower howse.

In Answer to the Act for the p^rservacōn of the Articles with the Sasquesahanough Indians

Ordered that the Act be sent back with these Clauses.

1 This howse doth not Conceive that any Serv^t can be admitted as a Voluntier because he is not Master of himselfe till free from his Master and therefore not necessary to insert that Clause

2 That itt is not probable the Governor will rayse more men then that pay will satisfye he being likely to pay the supernumerarys himselfe and therefore that Clause also vnnecessary

p. 214 3 Itt is not att all needefull for the Governor to have an Act to rayse Voluntiers & there fore desires to haue that Clause struck out as vnnecessary he haveing power both of peace & warr att his owne Charge.

Wherefore this howse desires the lower howse to drawe vp the Act a new, & in itt to make some provision further for necessary furniture &c. for such men as shall vpon Emergent occasion according to their act be sent forth the 6000^l Tobacco p mensem being allotted wholly to their pay

The howse Ajourned till Afternoone

The howse mett againe as before

Sep^r 19th 1664

This day in open Assembly came Patrick fforrest and surrendred all his Interest of the land specified in this Pattent vnto Pascoe Dunne his heires or Assigns for ever.

signed Patrick fforrest

Then came M^r Henry Adams wth the Act for Slaves with some amendm^{ts} of the lower howse & desired to have the Act perfectly drawne vp here. Whereupon the vpper howse sent this following paper to the lower howse and desired their answer therevnto in wryting before they proceed to the drawing vp the Act in wryting Concerning Slaves. viz^t This howse

desires to knowe what the lower howse intends shall become of such weomen of the English or other Christian nacōns being free that are now allready marryed to negros or other Slaves vizt

Shall such weomen be forced to serve as long as their husbands liue? yea or not

2 shall the issue already borne of such marryage be bond or free? yea or not

1 shall the issue hereafter to be borne of such marryage be bond or free? yea or not

John Gittings Clre

Then was read an Act of Encouragem^t for W^m Smith in his vndertakeing the Country worke att S^t Marys with some Amendments.

And Ordered to be sent to the lower howse

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The answere of the lower howse touching the Act for Negros

To the first whether free weomen marryed to Slaves shall be Constrayned to serve during their husbands lives?

In the negative

To the 2^d issues already borne of such marryages whether bond or free

To serve thirty yeares by the Major Vote.

To the last vizt the issues hereafter borne &c. To serve likewise 30 yeares

Then was read the Act Concerning Negros and other Slaves assented to by the vpper howse and sent to the lower.

The howse Ajourned till to
morrow morning

Tuesday September 20th

Present as yesterday

Then was brought in and read an Act Concerning Negros and other Slaves assented to by the lower howse and after readeing itt Ordered to be ingrosed.

Then came in Marmaduke Snowe and Thomas Gerrard and p^rferred his answere to the Errors (vizt)

The answere of Thomas Gerrard to the errors assigned by Marmaduke Snowe p^t in a case depending between the s^d Gerrard & the said Snowe in a Courte of Chancery held 21th february 1662

ffirst That Snowes first Error alledged is meere fiction, supposicōn and false for that there was never any Recognizance of the s^d Gerrard given in any Court of Chancery in this Province Relateing to the s^d Snowe or others from whome he

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p^rtendeth Right or power, and therefore that Error is humbly supposed to be vs^hered in, Rather to amuse this Assembly wth fallacy and vncertainty then vpon any ground of truth Lawe, or Reason for the Court gave Judgem^t as well vpon the view of Abell Snowes booke of acc^t as severall other papers.

To the second Error the s^d Gerrard doth positively deny that the hono^{ble} Chancellor now being was att the tyme of the judgem^t or the dismiss of the Court of Chancery in the s^d Case before menconed, Cheife Judge of the Court of Chancery for th^t before that tyme or att any tyme since he never was by authority proclaymed as cheife Judge of the Chancery Court or was he reputed or taken soe to be or ever admitted soe to sitt or did he ever that he knoweth thereof assume that place or power as Cheife Judge of that Court But that the Leiv^tenn^t Generall that now is hath from tyme to tyme by vertue of his Com^{on} as he supposeth satt as Judge of that Courte since his Arrivall into this Province, for other ways if itt should be granted that the hono^{ble} Leiutenn^t Generall in Judgem^t of lawe sitting in the Courte of Chancery be inferiour in place or precedency to the Chancellor were to render the person whome he Representeth, to say the R^t hono^{ble} the Lord Prop^{ty} inferior to those w^{ch} are subjects vnder his dominion which would seeme strange and incongruous both to lawe & reason. And the s^d Gerrard doth suppose that the Chancellor is not constituted here in this Province according to the full & ample authority & regulac^{on} of the lawes and Customes of eng^ld. But by vertue of a com^{on} from the Lord Prop^t of this Province and soe hath not such ample authority as is supposed, but grant itt were soe yett nevertheles the Lord Prop^t hath not as yett parted with his perticuler authority in that Court for the s^d Leiv^tenn^t Generall doth to this day sitt in Chancery as cheife Judge and all Addresses are made to him & his Councell & soe was itt in Snowes case therefore the second Error cannot howld but is as the s^d Gerrard supposeth superfluous & immateriall

p. 217 ~ To the third Error the s^d Gerrard answereth and sayth that what the s^d Snowe doth principally alledge is false and vntrue for that the Courte was not surprised nor did they give their Judgm^{ts} really vpon any Evidence produced before them but vpon the view of the Records of this Province And the comparac^{on} of Abell Snowes booke of acc^{ts} & the s^d records & papers by which itt did plainely truly & clearly appeare That that Recognizance was satisfi^yed in lawe as by the Records of that Court may more plainly appeare the Coppy of which the s^d def^t hath heere to produce but grant itt were soe yett nevertheless Snowe by his mutuall consent & submission to the Arbitrac^{on} of the board hath concluded himselfe in poynte of

lawe ffor noe error will in this case lye, for the Rule is Consensus tollet errorem And Cooke sup. Litt sayth fo. 111. a. 343. 67. a. to this effect Contra neguntem principium non est disputandum Therefore the def^t sayth that the Judgment of the s^d Court as to the dismiss is by the s^d Snowe falsly and maliciously suggested by him to be Erronious vpon all which he humbly craveth the Judgem^t of this hono^{ble} Assembly and humbly prayeth to be dismist wth his reasonable Cost and damages allowed him.

Tho. Notley Attorney to
Thomas Gerrard

Wherevpon the howse Considered the two poynts in th^t plea to the first Error (vizt) first that there was never any Recognizance of the said Gerrard given in any Court of Chancery in this Province relateing to the s^d Snowe or others from whome he pretendeth right or power

Secondly that the Error is not rightly layd because the Court gave judgem^t vpon the view of Abell Snowes booke of accounts and other papers wherevpon was produced the Originall Recognizance taken before the R^t hono^{ble} the Lord Proprietor in England and the Record of itt in the Court of Chancery of this Province.

And putt to the Question

Whether the Recognizance taken before the R^t hono^{ble} the Lord Prop^r in England & certified by him from thence and here entred vpon Record in Chancery be a Recognizance in Chancery of this Province as good as if itt were originally acknowledged in this Province p. 218

In the affirmative

Coll W^m Evans
m^r Henry Coursey
m^r Jerome White
The Chancellor
The Leiv^t Generall

In the negative

{ Coll Vty
m^r E^d Lloyd
m^r Baker Brooke

Resolved

That the Recognizance before specified is A Recognizance given in the Court of Chancery in this Province

Putt to the Question whether the Error be Rightly layd yea or not.

Resolved in the negative

Because the Court as appeareth by the Record did give Judgem^t vpon view of the Records.

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Then was taken into Consideracōn the second Error (vizt) the power of the Chancellor and his dissent, and waved

Then was taken into consideracōn the third and last Error

Voted Error

And resolved first by what appeareth vpon Record the ground of the dismission Snowes Cause XXIth of ffebruary was the testimony of Thomas Manning Hugh Stanley W^m Hollinsworth Richard Moore ffrancis Jackson & omnes reliqui as the Record sayth and the letters of ad^{co}n of Justinean Snowes and the Quietus est therevpon granted

secondly that the Quietus est being found vpon better view of the Record of testamentary causes to beare date the first of Aprill 1640 could not possibly be in Justice construed to discharge a debt accknowledged 19th June 1640 which was neere three moneths after.

Thirdly that a Recognizance vpon Record can not be avoyded but by sattisfaccōn vpon record

p. 219 ffourthly that although the Clk hath by misvnderstanding vsed the word Arbitracōn the Court did not sitt as Arbitrators but as Judges as appeares by the words following vizt & desires Judgement of the board vpon ffryday 20th ffebruary And did therefore Sattirday 21 of ffebruary judicially order the dismission of the Cause as apeares by the words Court thought fitt and ordered &c.

Then came this following paper from the lower howse (vizt.)

Tuesday 20th Sept. 1664.

Cap^t. Thomas Stockett informeth the howse that there is a certaine Cinigo Indian Prisoner in their County the Charge of whose imprisonm^t will be greate when itt is brought in not knowing how long he may Continue Prisoner there. This howse humbly requesteth the Vpper howse to Consider of itt To the End the future Charge concerning that Indian be p^rvented.

W^m Bretton Clk.

The Vpper howse will take care that the Prison^r shall be sent for downe to S^t Marys to avoyd Charge

John Gittings Clre.

Then came a Member from the lower howse with the Act for p^rservacōn of Articles with the Sasquehanough Indians.

vpon which was Endorsed and returned to the lower howse this (vizt)

first the Vpper howse desire to have these words struck out of the Act (vizt) that the Leivtenn^t Generall & Councell have power to rayse such & soe many Voluntiers

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Secondly that second Clause Provided that the Leivtenn^t Generall and Councell imploy not more men then their pay be defrayed wth the sume of six thousand pounds of tobacco &c.

Thirdly that Clause provided also that noe Serv^t be employed on such service without his or their Masters or Mistresses consent

This last Clause is thought inconvenient because the officer that accepts of Volunteers for this service cannot tell when any person offers himselfe as a Voluntier whether he be not a serv^t Runaway from some Master a farre of and soe may be lyable to be Questioned by this Act, And the Sence of this howse is that noe serv^t can be a Volunteer as before vrged by this howse in the paper sent 19 instant.

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John: Gittings Clre.

To the hono^{ble} the Vpper howse
of Assembly

The humble petⁿ of Rob^t Dunn

Sheweth

That aboute 12 yeares since John Hood surveyd a parcell of land (neare to the Wadeing place to the Ile of Kent on the Easterne shoare M^r Robert Clarke being then Surveyor The cert^f of which land was delivered to Philip Calvert Esq^r to the End he might have a pattent for that land w^{ch} Certiff^t itt seemes through the vnfortunate disturbance of the Province is lost And the s^d Hood dying one Henry Morgan hath since surveyed the same land & obteyned a pattent for the same soe outeth the orphan of the sd Hood of his just right

Wherefore he humbly prayes that the sd Morgans pattent may be null & that the Orphan of the sd Hood may have pattent and Enjoye the sd land according to his first survey

And he shall pray &c.

There appeareing nothing vpon Record which may Evidence the Clayme of the pet^r to the land this howse thinke itt inconvenient to question a pattent vnder the seale vpon bare affid^{ts} but that notwithstanding the pet^r may have the benefitt of the Rights vpon which the land was taken vp.

John Gittings Clre

The howse ajourned
till morning

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Wednesday 21 Present as yesterday

p. 221 The depⁿ of Nicholas Gwyther aged 39 yeares or thereabouts sworne before the Governor and Councell this 21th Sep^r 1664 sayth That in Company with severall other persons drinking of some burnt Brandy, M^r Bretton was tolde that in an order of Court in a cause depending betweene Marmaduke Snowe and M^r Thomas Gerrard he had entred the word Arbitracōn which should be as they say (Judgement) vpon which the sd Bretton replyed that att my Lords howse the Councell did sett vp vntill two of the Clock in the morning ab^t M^r Gerrards business, and that the Chancellor & Secretary did then dictate vnto him what should be entred in the same order and he did accordingly enter the same therefore noe faulte in him & further sayth not

Nicholas Gwyther

Sworne in open Assembly
John: Gittings Clre:

The depⁿ of Daniell Jenifer aged 27 yeares or thereabouts sworne att the same tyme sayth The same verbatim as is sworne by Cap^t Nicholas Gwyther aboue mencōned

Dan: Jenifer.

Wherevpon W^m Bretton was sent for into the Vpper howse to answere the Slaunder of the Chancellor and Secretary in the depⁿ above mencōned who did in open Assembly Confess that he lyed when he reported what is contained in the dep^{ns} aboue sd Concerning the Chancello^r and Secretary afores^d

Then was sent in an Act touching the Burgesses Expences and other publick debts to the lower howse.

Then was the act returnd from the lower howse with their Assent voted that itt should be faire ingrosed

After which both howses meeteing in the vpper howse The Acts faire ingrosed were read over and signed by the Clks of either howse respectively. And his lop^s assent declared by the Leivtenn^t Generall in these words

The Lord Prop^r willeth that these be lawes

and signed Charles Calvert

p. 222 And then the Chancellor by order from the Leivtenn^t Generall declared the Assembly dissolved

John Gittings

Acts made att a Session of Assembly begun September the fifteenth 1663 and Continued by adjournment till September 6th 1664 by the Hon^{ble} Charles Calvert Esq^r

Liber
W H & L
p. 28

An Act for the preservation of the Seuerall Harbours within this Province

Whereas diuers persons as well the Inhabitants of this Prouince as Forreignors hither tradeing in Ships of great burthen as alsoe in other Smaler uessells haue hithertoo Customarely used to cast out of their said shippes and other uessells their ballast in such Creekes and Harbours where they Comonly Ride to take in their ladeing which Custome if not timely preuented and Redresse found therefore will in short tyme proue to the decay of most of the Chiefest harbors in this Prouince Bee itt therefore Enacted by the Right Hon^{ble} the Lord Proprietary with the Consent of the Upper and Lower house of this present Generall Assembly That all persons whether Inhabitants or fforreigners here tradeing in shippes of great or Lesser burthen or any other uessell with a Deck that shall after the Publicacōn of this Act Cast out of their said shippes or other vessells any kind of Ballast into the Harbours or Creekes where they Comonly Ride and doe not Carry itt to the shoare and lay itt aboue high Water marke shall for every such default forfeite and pay two thousand pounds of Tobacco the one moyety to the Lord Proprietary and the other moyty to him that sueth to bee Recovered by accōn of debt or Informacōn wherein noe wager of Lawe Essoyne or protection to be allowed or admitted And Bee itt further Enacted that Every Master of a ship or vessell bound to take notice of this Act shall att the tyme of the Entry of his said shipp or vessell haue a Coppy of this Act delivered him by the Secretary for writing of which Coppy soe to be delivered as aforesaid The Secretary shall haue fwe hundred pounds of Tobacco out of the Publick Leauy paid this yeare and noe longer.

An Act Concerning Negroes & other Slaues

Bee itt Enacted by the Right Hon^{ble} the Lord Proprietary by the aduice and Consent of the upper and lower house of this present Generall Assembly That all Negroes or other slaues already within the Prouince And all Negroes and other slaues to bee hereafter imported into the Prouince shall serue Durante Vita And all Children born of any Negro or other slaue shall be Slaues as their ffathers were for the terme of their liues And forasmuch as diuers freeborne English women forgettfull

p. 29

Liber of their free Condiçōn and to the disgrace of our Nation doe
 W H & L intermarry with Negro Slaues by which alsoe diuers suites may
 arise touching the Issue of such woemen and a great damage
 doth befall the Masters of such Negroes for preuention whereof
 for deterring such freeborne women from such shamefull
 Matches Bee itt further Enacted by the Authority advice and
 Consent aforesaid That whatsoever free borne woman shall
 inter marry with any slaue from and after the Last day of this
 present Assembly shall Serue the master of such slaue dureing
 the life of her husband And that all the Issue of such freeborne
 woemen soe married shall be Slaues as their fathers were
 And Bee itt further Enacted that all the Issues of English or
 other freeborne woemen that haue already married Negroes
 shall serve the Masters of their Parents till they be Thirty
 yeares of age and noe longer.

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An Act for Ferrys.

Whereas seuerall Inhabitants of this province but Especially
 the Inhabitants of St Marys and Charles County haue suffred
 much Loss of time by procuring of passages ouer St Georges
 and Wiccoconu Riuers as their seuerall occasions and Intentions
 may Require (there beinge noe Certaine ferry Erected and
 Allowed ouer either the s^d riuers Bee itt Enacted by the
 Right honno^{le} the lord proprietary of this province wth the
 assent and aprobaton of the vper and Lower howse of this
 Gen^{ll} Assembly That the Com^s of St Maryes County take
 serious care that a Conuenient boate 14 foote or therabouts by
 the Keele be built or purchased for the passinge any person or
 persons (trauelinge on foote) ouer St. George's Riuer, And
 Com^s in Charles County in Like manner take care for the
 buildinge or purchasing such other boate of 14 foote or ther-
 abouts by the Keele for conueying any psons whatsoever
 trauelinge on foote ouer Wiccoconu Riuer, w^{ch} s^d ferrys the
 Com^s of each County as afores^d shall procure & see sett up
 kept and mayntayned in the most Conuenient place in either
 of the s^d Riuers by the last day of nouemb^r next after the
 publication hereof upon perill of forfeitinge to the Lord pro-
 prietor and his heyres for either of their neglects Respectiue
 three thousand pounds of Tobacco in Caske And for as much
 as those who ferryes ouer St Georges and Wiccoconu Riuer
 hath respect in a manner wholly to St Marys and Charles County
 Bee itt therefore Enacted by the Authority afores^d that both
 the s^d Countyes bee equally and joyntlye charged wth the
 yearly mayntayninge both the s^d fferyes and bee added to the
 Leavy in each Respectiue County euery yeare. And bee itt

alsoe further enacted by the Authority as afores^d in Regard of the great Difficultye of gettinge or procuringe Passadge ouer Patax^t Riuer that the Com^s of Calvart County take alsoe Care for the buildinge or procuringe a boate of Eighteen foote by the Keele or therabouts fitt for the transportinge men and horses for the passinge or conueyinge ouer all passengers whatsoever wth their horses traueling either on foote or on horse back, the Charges of w^{ch} Boate and fferry shal be wholly mayntayned and defrayed by the Inhabitants of that County by Assessm^t upon the whole Countye w^{ch} the Comissioners of that County are hereby Impouered to asseesse upon the County And bee itt farther Enacted that the Com^s of the s^d County doe prouide the s^d boate by the last day of febr^y next ensuinge upon perill of fine to the Lord Propriet^r and his heyres to the Vallue of foure Thousand pounds of Tobacco for such their neglect therein. And the keepers of the s^d fferryes shal set ouer any one whatsoever requiringe passadge att any time of the day (if not hindred through violence of weather, betweene Sun Risinge and Sun Settinge upon perill of such penaltye and forfeiture as the Com^s of each Countye Court before whome Compl^t being made of the dammage sustayned by any one not having passadge in such convenient time shall adjudge. This Act to endure for three years or to the end of the next Gen^l Assembly.

The uper House haue Assented
John Gittings clke

The lower house haue Assented
W^m Bretton clke

An Act for the prouidinge a Magazine.

Whereas it is conceaved that great danger wth much Losse may befall to the Inhabitants of this Prouince in Gen^l by the inuasion or onsett of any Enemy through want of necessary amunition for defence. The people generally being very slak and negligent in prouidinge soe much as a sufficiency for their particular priuate families This present Assembly takinge itt into more serious consideration then formerlye doe pray that itt may be Enacted, and bee itt Enacted by the Right honorable the Lords Prop^{rs} by and with the aduise and Consent of the uper and Lower house of this p^rsent gen^l Assembly That ten Thousand pounds of Tobacco bee this yeare Leaveyed on the Inhabtants of this province and deposited in the hand of the Lieut. Gen^l or some other person whome hee shall thinke good to apoynt for the procuringe and keepinge the Vallew of the s^d

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sume of Tobacco in powder and shott, w^{ch} said powder and shot shal bee imployed and used in case that any inuasion or inuasions of an Enemy should hapen or any other Emergenz ocation of the prouince, Butt upon noe other acc^t whatsoever, And therefore an Acc^t shall bee given at each succeeding assembly how the said amunition is expended or disposed off to the end the said proportion may still bee mayntayned and at the charge of the whole prouince made good againe. This Act to Endure for three Yeares or to the end of the next General Assembly.

An additional Act to an Act entituled
an Act concerninge the paym^t of fees due
from Criminall persons.

Whereas the former Act made for the paym^t of fees due from Criminall persons doth enioyne generally all Criminals to pay and satisfye all such fees as shall bee due from them unto the sheriff or goaler either by servitude or otherwise wthout any exception or prouision made as to Serv^{ts} not hauing wherewth all and in noe wise capable of satisfyinge such their fees wherefore bee it enacted by the Right honor^{ble} the Lord propr^t by and wth the Consent of the uper and Lower house of this present gen^l Assembly that from henceforth all such fees as shall be due from such ser^{ts} Criminals shall bee satisfied and defrayed at the charge of that County where the fact is comitted. And bee further Enacted that all and euery Criminal Serv^t for whome the cuntie shal paye the ffees due to the Sheriffs as aforesaid at the end and expiration of his time of Servitude due to his master by Indenture or Lawe of the cuntie shall by servitude or otherwise satisfye unto the Com^s of each respective County for the use of the Respective Countys such sum of Tobacco as they haue payd unto the respective Sheriffs for ffees as aforesaid. This Act to endure for three years or to the end of the next gen^l Assembly.

An Act ffor Reuiuinge Certaine
Lawes wthin this prouince.

For as much as certaine Lawes made and enacted att a generall Assembly held att St Leonards in Caluert Countye Anno 1658: beinge found some of them very conuenient and conduive to the publick good of this prouince w^{ch} said Lawes beinge temporarye Lawes will unavoydably fall and Expire if Express prouision bee not made for the continuinge and reuiuinge of them Bee itt therefore Enacted by the Lord Prop^t wth the assent and aprobaton of the uper and Lower house of

this generall assemblye that the Act entituled an Act Concerninge the gage of Tobacco hhd's and the Act entituled an Act for the Killinge of Wolues, and the act entituled an act prohibitinge ground Leaves and seconds, and the Act entituled an act concerninge the Registringe of births marriages and buryals bee all of them as they are here expressed Renued Reuiued and stand in fforce wthin this province accordinge to the Lymetation Expressed in the s^d seuerall acts.

And bee itt enacted by the authority afores^d that certaine Laws made att a gen^l Assembly held at S^t Johns anno 1661: much conducinge to the whole publicke of this province bee alsoe continued and Renued, That is to say An act entituled an Act for the apoynt^{mt} of certaine officers and an act entituled an Act for milietary discipline And an act entituled an Act concerninge hight of fences and an Act entituled an act for conueyance of all Letters Concerninge the State and publick affaires and to stand in fforce in this prouince accordinge to the Lymetation expressed in the s^d Act, And bee itt alsoe further Enacted that Certaine other temporary Lawes made att a generall Assemblye held at S^t maryes anno 1662 beinge Iudged very conuenient and necessarye and noeways hurtfull to the Inhabitants or strangers tradinge here as the country now stands be by the Lord Prop^{rs} wth the aproⁿ of the uper and Lower house of this assembly Reuiued (vizt:) an Act concerninge those Serv^{ts} that haue Bastards, and an Act entituled an Act for the publication of marryages And an Act entituled an Act concerninge paym^{nt} for Bullione brought in this prouince And an Act entituled an act for encouragem^{nt} of sowinge English grayne, and an act entituled an act concerninge the paym^{nt} of ffees due from Criminall p^{ns}ons and an act entituled An Act for encouragem^{nt} of ordinary Keepers and an act entituled an act concerninge proceedinge att Lawe and an act entituled an act declaringe what shal be done by the ex officio: and an Act entituled an Act concerninge paym^{nt} of debts due by bill, and an act intituled an act concerninge taxable p^{ns}ons, and an Act intituled an act imposinge a fee on them who shall bee marryed, and an act intituled an act concerninge Indians and an Act intituled an act apoyntinge Sherrifs, and an act entituled an act touchinge Run-aways, and an act intituled an act Lymettinge seruants times, and an act entituled an act concerninge the Sec^y and addittion to his fees, and an act entituled an additional act against hogstealers, be euery of them as they are here sett down reuiued and stand in force wthin this province accordinge to the Lymetation expressed in the s^d seuerall acts, and bee itt further enacted that all those temporary Lawes made att a sessions of this generall Assembly begun 15th Sep^r Last 1663 bee Likewise all of them Reuiued (Except that last

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Act for Burgesses expences) and begin their Lymetation as if they were enacted the present sessions of assembly according to the Lymetation expressed in the s^d seuerall Acts. This Act to endure for three years or to the end of the next Gen^l Assembly.

An Act of Encouragem^t for W^m Smith
in his undertakinge the Cuntry's worck
at S^t Mary's

Whereas, W^m Smith hath been and must bee att greate charge in the repairinge and keepinge in Repaire the Cuntry's howse at S^t Marys. Bee itt therefore Enacted by the right honnor^{ble} the Lord prop^r by and wth the consent of the uper and lower house of this Gen^l Assembly That Eight Thousand pounds of Tobacco bee this p^rsent year paid him out of the publick Leauy, and hee the s^d Smith haue the benefitt of that bond whereby hannah Lee now the wife of W^m Prise was bound to couer the s^d Cuntry's house, and further the s^d Smith is hereby bound to keep the s^d house in Repaire and tenantable for seauen years and keep ordinary therein, and upon defaulte therein shall forfeite unto the cuntry ten thousand pounds of tobacco And whereas the s^d Smith did propose to this Assembly that if the cuntry would give him foure pounds tobacco p pole for foure yeares together and grant him a lease of the cuntry's Land for one and fifty years he would build a howse for the cuntry's use upon the s^d land after this moddel. That is to say forty foot square two storys and a half high, the first story to be ten foot cleare, the second story to be Eight foot cleare the half story four foot wth a hip roofe with a tamett in the middle Eight foot cleare from the flatt of the roof: and underneath the said house a bricked sellar twenty four foot square and an addition of twelf foot to the s^d house to be diuided into four several roomes two storys high and to each roome a chimney of brick and brick chimneys to all the other roomes in the s^d house, the s^d house to bee couered with tile or chingle and to bee wholly finished and completed as to dawbinge and glasinge four hundred feet of glass to be expended at the least and wheresoever else is necessary to the well finishinge and compleatinge of a house to bee p^rformed by the said Smith wthout any further charge to the cuntry then as before. Bee it therefore Enacted by the authority afores^d That foure pounds of Tobacco p pole bee Yearly Leauyed the four next ensuing years for the use of the s^d Smith, and that the s^d Smith haue a Lease of the s^d house and the cuntry's Land for one and fifty years and further the said Smith is hereby enjoyn'd to keep the ordinary duringe his abode

in the province, And in case hee the s^d Smith bee removed either by death or any other occation then one other bee placed in the same house but whome the Govern^t and Councill and the next Assembly shall approve off. And bee itt further enacted by the Authority afores^d That the s^d Smith shall begin the afores^d house by the first day of March w^{ch} shall bee in the yeare 1665 and shall haue compleated the one half of the said house by the first day of March w^{ch} shall be in the yeare 1666: And by Receiuinge the third paym^t which will bee in the yeare 1667: hee shall haue compleated 3 parts. and by the receiuinge the fourth and last payment w^{ch} will bee in the year 1668 hee shall haue well compleated and substantially finished the whole worcke and in defaulte therein the s^d Smith shall forfeite vnto the Cuntry two hundred thousand pounds of Tobacco.

And bee itt farther alsoe Enacted by the authority afores^d that two thousand pounds of Tobacco bee pay'd vnto the s^d Smith out of the publick Leavy this p^rsent yeare w^{ch} is in Reparation of the dammage hee is like to susteine in our buildinge himselfe in the house to keep the Records in Prouided always that if any p^rson or p^rsons will upon the Land hereby graunted to the s^d Smith build a framed house twenty foot square and two storys and a half high wth a brick chimney. It shall bee lawfull for any such p^rson or p^rsons to build upon the Land afores^d And shall haue three acres of Land Layd out of the s^d Land next adjoyninge to such house to be Layd out in such part of itt as the Governm^t and Councill shall thinck fitt. Prouided alsoe that such p^rson or p^rsons be Enioyned to fench in their Land soe granted by the Governm^t and Councill afores^d and shall erect thereon such house or houses as afores^d wthin twelf month next after Layinge out such Land.

An Act for P^rseruation of Certaine
Articles made wth the Sasquehannaugh
Indians.

To the end that peace and amety wth the Sasquehannaugh Indians accordinge to certaine articles made wth that Nation may bee kept and continued. Bee itt enacted by the Lord Prop^r wth the Assent of this gen^l Assembly That the governm^t and Counsell of this Province haue full power to Lay a tax not exceedinge six thousand pounds of Tobacco p^r month to bee employed for the hyringe such and soe many volunteers as can bee gott upon any emergent occasion as the Governm^t and Councill shall thinck fitt and toward the aydinge and assistinge the sasquahanna Indians when desired by them for continuinge the s^d articles and preseruinge peace and amety wth

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them as afores^d and not otherwise And bee itt further enacted by the authority afores^d that the s^d sume of six thousand thousand pound of Tobacco p month shall not bee leauyed or raysted before these vollunteers afre mentioned bee upon that seruice in compliance wth the s^d artickles.

And bee it farther enacted by the authority afores^d that the Lieuten^t Gen^l of this Prouince be impowered by virtue of this act to purchase soe many good fixed musketts and amonition swords and belts for the use of the publick soe soone as hee can procure them for w^{ch} hee shall be allowed this present yeare out of the Gen^l Leauy by publick assesment four thousand pounds of Tobacco and Caske and bee it farther alsoe enacted by the authority aforesaid that in the Interim that is to say untill the swords and musketts bee purchased and bought if necessity require the Lieut^t Gen^l haue power to Press soe many musketts and swords as shall bee needful in any parte of the prouince for the intents use and purpose in this act afore mentioned. And that those musketts swords and belts first mentioned, when purchased bee kept as part of the Magazine of this prouince.

Prouided that noe Serv^t wthin this province by color or p^rtence of this act be permitted to enlist himself as a vollunteer in any martiall seruice This Act to endure for three years or to the end of the next Gen^l Assembly.

An Act for the Burgesses Expences and other publick debts.

Bee itt Enacted by the Lord Prop^r by and wth the consent of the uper and Lower house of this p^rsent Gen^l Assembly that euery County shall satisfye unto their Respective Burgesses all their necessary expences for meat drink and lodginge for themselves and charges of boate and hands this p^rsent crop as alsoe ten thousand pounds of Tobacco to the Lieut^t generall conserninge the Magazine and four Thousand pounds of Tobacco more for purchasing guns and swords to be added to the Lieut^t gen^l's acc^t To M^r Godfrey hanner one thousand pounds of Tobacco to m^r henry stockett twelf hundred and thirty pounds of Tobacco To M^r Oliver Sprye three hundred and fifty pounds of Tobacco To Major Sam^l Gouldsmith one hundred and eighty pounds of Tobacco To W^m Smith of S^t Mary's ten thousand pounds of Tobacco To Thomas Hughes and Adam Lead two hundred pounds of Tobacco to the Chancelor two hundred and fifty pounds of Tobacco to Cap^t W^m Burgess one thousand and fifty pounds of Tobacco To Cott^t Nathaniel uty seauen hundred pounds of Tobacco To the Secretary five hundred pounds of Tobacco To M^r W^m Bretton for officiatinge as clke

in the Lower house of Assembly fifteen hundred pounds of Tobacco. To M^r Henry Hide door keep^r of the Lower House Seauen hundred pounds of Tobacco To W^m Smith for the common expences of the Burgesses to bee paid out of the publick Leauy thirteen hundred twenty two pounds of Tobacco and for M^r Brettons dyett one hundred and forty pounds of Tobacco more to bee payed by the publick Leauy and added to M^r Smiths acc^t To the Chancel^r eleauen hundred and twelf pounds of Tobacco for powder and shott bought by him anno 1661: To M^r John Gittings clke of the uper house fifteen hundred pounds of Tobacco To M^r Iohn Powick door-keep^r of the uper house four hundred pounds of Tobacco To W^m Smith att S^t Marys for the comon expence of the uper house two thousand eight hundred eighty two pounds of Tobacco and Bee itt further enacted by the authority aduise and consent afores^d that Charles County shall pay vnto Phillip Caluert Esq^r ouer and above the publick Leauy as County charge the sume of one thousand seauen hundred eighty eight pounds of Tobacco, and that Caluert County shall pay unto Thomas Sprigge five hundred and twenty pounds of Tobacco out of the publick Leauy as alsoe five hundred fifty three pounds of Tobacco to Thomas Dout out of their County leauy alsoe and that S^t Mary's County shall pay to Cof^t. W^m Evans five hundred and twenty pounds of Tobacco out of their County leauy: To the respective sherifs of each County for collectinge the publick Leauy twelf thousand four hundred ninety four pounds of Tobacco and bee itt further Enacted that this Act shall bee in leau of all orders graunted this Assembly by either house for Taxes of Tobacco.

The vpper house have Assented to all these Acts
John Gittings clke

The Lower House have Assented to all these Acts
W^m Bretton clke.

The Lord Prop^r willeth that these bee Lawes
Charles Caluert.

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